APPENDIX A
CORRESPONDENCE, PARTICIPATION EVENTS, AND NOTICE OF INTENT

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Appendix A-1

Agency Correspondence During the DEIS and SDEIS (1999-2009)

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APPENDIX A-1

AGENCY CORRESPONDENCE DURING THE DEIS AND SDEIS (1999-2009)

Agency	Address	Date Sent	Information Requested	Date Response	Response	Page
US Environmental Protection Agency (USEPA) – Region 6	1445 Ross Ave, Suite 1200, Dallas, TX 75202			07-16-99 In response to scoping meeting	Recommendations and comments associated the scope of DEIS. Listed areas of USEPA special concerns.	1-11
		08-04-99	Federal Highway Administration (FHWA) request USEPA to be cooperating agency	08-13-99	USEPA will participate on limited basis	12
				10-11-00 E-mail from USEPA	Environmental Justice information	13
US Army Corps of Engineers (USACE)	District Engineer	08-04-99	FHWA request USACE to be cooperating agency	08-20-99	Will not formally participate as a cooperating agency at this time. Will provide data and assistance within USACE area of expertise.	14
Regulatory Branch	Presley Hatcher PO Box 17300, Fort Worth, TX 76102	03-30-00	Request for updated wetland delineation in the Dallas Floodway	05-19-00	Acknowledgement and assign project number 200000308	15-17
Regional Environmental Officer, Federal Emergency Management Agency (FEMA)	Regional Environmental Officer, 800 N. Loop 288, Denton, TX 76201	08-16-99	Resource issues and concerns, permit, review, consultation requirements	09-08-99	Request letter stamped with "Coordinate with local floodplain administrator to obtain necessary development permit."	18
		05-04-00	FHWA request FEMA to be Coordinating Agency			19-20
US Department of Interior (DOI), National Park Service	12795 West Alameda Parkway, PO Box 25287, Denver, CO 80225			07-21-99 – In response to the published NOI	Rochester Park is encumbered by Section (6)(f)(3) of the L&WCF program.	21
DOI Regional Environmental Officer	PO Box 649, Albuquerque, NM 87102	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
US Department of Agriculture - Natural Resources Conservation Service	John Burt, State Conservationist	08-16-99	Resource issues and concerns, permit, review, consultation requirements	08-23-99 - In response to the published NOI	Acknowledgement and offer of assistance, if needed	22

Agency	Address	Date Sent	Information Requested	Date Response	Response	Page
US Department of Housing and Urban Development (HUD)	Administrative Coordinator A. Maceo Smith Federal Building, 525 Griffin St., Suite 860, Dallas, TX 75502	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
US Coast Guard, Eighth District	Bridge Administrative Branch, 501 Magazine Street, New Orleans, LA 70130	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
Texas Historical Commission (THC). (The remainder of THC correspondence is in the Cultural Resource Appendix)	Jim Steely, Chief Historian Deputy State Historic Preservation Officer, PO Box 12276, Austin, TX 78711	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
North Central Texas Council of Governments (NCTCOG)	Mike Eastland, Executive Director, 616 Six Flags Drive, PO Box 5888, Arlington, TX 76005	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
US Fish and Wildlife Service – Southwest Region	Nancy Kaufman, Regional Director, PO Box 1306, Albuquerque, NM 87103	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
Texas Commission on Environmental Quality (TCEQ)	Jeff Saitas, Executive Director MC 109, PO Box 13087, Austin, TX 78711	08-16-99	Resource issues and concerns, permit, review, consultation requirements	10-13-99	Several comments, General Conformity Rules apply but a general conformity analysis of VOCs is not required	23-24
Texas Parks and Wildlife – Habitat Assessment Program	Kathy Boydston 4200 Smith School Road, Austin, TX 78744	08-16-99	Resource issues and concerns, permit, review, consultation requirements	10-06-99	No direct impact on existing TPWL projects involving Land and Water Conservation Fund and the Local Parks Fund. Recommendations concerning documentation required.	25
Trinity River Authority (TRA)	Dan Vance, General Manager 5300 South Collins Street, PO Box 60, Arlington, TX 76018	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
Dallas Area Rapid Transit (DART)	Roger Snoble, Executive Director, PO Box 660163, Dallas, TX 75266	08-16-99	Resource issues and concerns, permit, review, consultation requirements	09-03-99	Acknowledgement, request impact information for several impact categories	26

Agency	Address	Date Sent	Information Requested	Date Response	Response	Page
Federal Transit Administration – Region 6	Regional Environmental Coordinator, 819 Taylor Street, Room 8A36, Fort Worth, TX 76102	08-16-99	Resource issues and concerns, permit, review, consultation requirements			
Federal Aviation Administration (FAA) – Southwest Region	Regional Administrator 2601 Meacham Blvd., Fort Worth, TX 76137	09-17-99	Resource issues and concerns, permit, review, consultation requirements	09-28-99	Acknowledgement with potential impact criteria and Form 7460-1 if needed	27
National Marine Fisheries Service – Southeast Regional Office	William Hogarth, Regional Administrator, 9721 Executive Center Drive North, St. Petersburg, FL 33702	10-26-99	Resource issues and concerns, permit, review, consultation requirements			
North Texas Tollway Authority (NTTA)	Christopher Anderson, Executive Director of Planning	11-10-00			Issued News Advisory of Trinity Parkway Cost Estimates	29-32
City of Dallas	Mike Hellmann City of Dallas Park Planner, Dallas City Hall, Room 6FS, 1500 Marilla St, Dallas, TX 75201	01-31-02	Request determination of 4(f) sites/properties along alternatives. Request issues/concerns. Request meeting Oct 5, 01	01-31-02	Trinity River Park does not have 4(f) issues or requirements of TPWL code. No city park is physically impacted by alternatives. Might be close to Moore Park- additional review of Moore Park needed.	33
Stemmons Deed						34-43
FHWA	Mr. Patrick A. Bauer District Engineer – Texas Division FHWA Federal Office Building, Room 826 300 East 8th Street Austin, Texas 78701	01-29-03	Strategy Development of the Trinity Parkway DEIS			44-46
United States Coast Guard	Homeland Security Chief, Bridge Administrative Branch Eighth Cost Guard District Hale, Boggs Federal Building 501 Magazine Street New Orleans, LA 70130	03-05-04	Construction and Operation of the Trinity Parkway Concurrence Regarding Exemption from Bridge Permitting Requirements			47-53

Agency	Address	Date Sent	Information Requested	Date Response	Response	Page
City of Dallas	Michael Hellmann City of Dallas Park Sr. Park Planner, Dallas City Hall, Room 6FS, 1500 Marilla St, Dallas, TX 75201		Trinity Parkway Alternative Alignments – Review of possible 4(f) Applicability	04-7-04	Trinity Parkway is not subject to the Section 4(f) requirements as it pertains to the Trinity River Park. If alignments change and impact any other park land, Section 4(f) review would be in order.	54-55
City of Dallas	Michael Hellmann City of Dallas Park Sr. Park Planner, Dallas City Hall, Room 6FS, 1500 Marilla St, Dallas, TX 75201	06-02-04	Request Section 4(f) – Applicability Concerning Publicly Owned Lands and Existing and Proposed Trails within the Study Area of the Proposed Parkway in Dallas, Texas			56-62
City of Dallas	Michael Hellmann City of Dallas Park Sr. Park Planner, Dallas City Hall, Room 6FS, 1500 Marilla St, Dallas, TX 75201		Section 4(f) – Applicability Request Concerning Publicly Owned Lands and Existing and Proposed Trails within the Study Area of the Proposed Parkway in Dallas, Texas	07-23-04	The land identified as Calypso Park is no longer leased by the City and is no longer used as a city park. The land identified as the "un-named parkland" is City designated parkland. The "use" of the Trinity River Park allows for transportation uses.	63-64
City of Dallas	Michael Hellmann City of Dallas Park Sr. Park Planner, Dallas City Hall, Room 6FS, 1500 Marilla St, Dallas, TX 75201		Section 4(f) – Applicability Request Concerning Publicly Owned Lands and Existing and Proposed Trails within the Study Area of the Proposed Parkway in Dallas, Texas	10-19-04	The land identified as the "un-named parkland" has been found to be under private ownership, and is not owned by the City. The property has been removed from the City Park Land Inventory and no longer has a potential use as a park. The property is not subject to Section 4(f).	65
U.S. Army Corps of Engineers (USACE)	Michael J. Mocek Deputy District Engineer, USACE Fort Worth District PO Box 17300, Fort Worth, TX 76102	05-10-05	NTTA provided information about expected mitigation planning for wetland areas	No written response	USACE responded verbally in several meetings held during June-September, 2005	66-74
USACE	William Fickel, Jr. Chief, Environmental Division, USACE (CESWF-EV) Fort Worth District PO Box 17300, Fort Worth, TX 76102	07-26-05	FHWA made second request for USACE to be a cooperating agency	09-21-05 11-15-05	Agreed to become a cooperating agency and provided additional comments on the DEIS Additional response received from Deputy District Engineer outlining USACE's comments on the DEIS	75-76 77-91 92-93

Agency	Address	Date Sent	Information Requested	Date Response	Response	Page
USACE	Wayne A. Lee, Environmental Division, USACE (CESWF-EV) Fort Worth District PO Box 17300, Fort Worth, TX 76102	06-19-06	Provided information regarding approved Jurisdictional Determination	06-19-06	Approved Jurisdictional Determination	94-99
NTTA	Addressed Honorable Laura Miller, Mayor, City of Dallas, 1500 Marilla Street, Dallas, TX 75201	04-04-07	Summary of NTTA's position with respect to USACE concerns	N/A	N/A	100-102
USACE	Addressed Honorable Laura Miller, Mayor, City of Dallas, 1500 Marilla Street, Dallas, TX 75201	04-30-07	Provided information regarding current USACE policy pertaining to Federal flood protection projects.	N/A	N/A	103-105
Dallas Zoo	650 South R.L. Thornton Freeway, Dallas, TX 75203	12-04-07	Provided information regarding nesting potential for the interior least tern in the project study area, but indicated no recorded sightings	N/A	N/A	106
TxDOT	Dewitt C. Greet State Highway Building 125 E. 11th Street Austin, TX 78701	01-30-08	TxDOT coordination with FHWA of request for exemption from navigable waterway requirements	N/A	N/A	107-108
U.S. Coast Guard (USCG)	David M. Frank 500 Poydras Street, Room 1313 New Orleans, LA 70130	11-13-08	Exemption from USCG permit requirements for crossings over the Trinity River	N/A	N/A	109
FHWA	300 E. 8th Street, Room 826 Austin, TX 78701	02-02-09	Section 4(f) determination for Trinity River Greenbelt Park	N/A	N/A	110-111
TxDOT	Stan Hall PO Box 133067 Dallas, TX 75313	02-06-09	TxDOT coordination with USFWS regarding interior least tern	03-02-09	USFWS concurrence stamp indicating proposed project is not likely to adversely affect the interior least tern.	112

NOTE:
N/A – Not Applicable

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 16 1999

Mr. Jerry Hiebert
Executive Director
North Texas Tollway Authority
P.O. Box 190369
Dallas, TX 75219

Dear Mr. Hiebert:

In accordance with our authority under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA), Region 6 Office, would like to take this opportunity to offer comments on the scope of the North Texas Tollway Authority (NTTA) Draft Environmental Impact Statement (DEIS) for the Trinity Parkway Reliever Route, located along the Trinity Parkway Corridor from SH-183/IH-35 interchange to the SH-310/US-175 interchange in Dallas, Texas.

To ensure that all areas of impact assessment are included in the DEIS and to identify those areas of particular concern to EPA, we are submitting recommendations on the scope of the DEIS. In particular, we believe that it is extremely important that the DEIS fully address all alternative alignments, the preferred action, and no action alternative, their direct, indirect and cumulative impacts affecting the Trinity River and the Dallas Floodway; including the Dallas Floodway Extension and the Chain of Lakes and related recreational features of these proposals as they affect the Trinity River and the environment. Of particular concern is the locally preferred alternative's compatibility with existing Federal floodplain management criteria, noise impacts, air quality impacts and the compatibility with park and recreational features proposed within the Dallas Floodway. Our comments, which are enclosed, are based upon the Council on Environmental Quality (CEQ) regulations 40 CFR (Parts 1500-1508) and our authority under Section 309 of the Clean Air Act.

We appreciate the opportunity to comment. If you have any questions, please have your staff contact me or my staff at (214) 665-2258.

Sincerely yours,

Robert D. Lawrence
Chief, Office of Planning and Coordination

Enclosures

EPA

SCOPING COMMENTS ON THE NORTH TEXAS TOLLWAY AUTHORITY TRINITY PARKWAY RELIEVER ROUTE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) DALLAS, TEXAS

GENERAL COMMENTS:

The Draft Environmental Impact Statement (DEIS) should rigorously explore and objectively evaluate all reasonable alternatives and, for alternatives which were eliminated from detailed study, adequately discuss the reasons for their having been eliminated (40 CFR 1502.14).

The DEIS should clearly explain the relationship between the program's cost benefit analysis and any analyses of unquantified environmental impacts, values, and amenities (40 CFR 1502.23).

Length of analysis of environmental impacts varies. If the environmental impact is determined to be slight, the assessment of the impact can be short. If a particular impact, or the impact of the total proposed action is determined to be significant, the assessment should include a detailed analysis of the impact addressed over the life of the project.

SCOPE OF ENVIRONMENTAL ANALYSIS

Section 1502.4 of the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA states that agencies shall make sure the proposal which is subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope as defined at Section 1508.25 of the CEQ Regulations to determine which proposals shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

Section 1508.25 of the CEQ Regulations identifies "scope" as a range of actions, alternatives, and impacts to be considered in an environmental impact statement. To determine the scope of an environmental impact statement agencies shall consider three types of actions, three types of alternatives, and three types of impacts. These include:

(1) Actions (other than unconnected single actions) which may be:

Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

a. Automatically trigger other actions which may require environmental impact statements.
b. Cannot or will not proceed unless other actions are taken previously or simultaneously.

c. Are interdependent parts of a larger action and depend on the larger action for their justification.

Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography.

The NTTA should consider analyzing these actions in the same statement. The agency should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

(2) Alternatives, which include:

a. No action alternative.
b. Other reasonable courses of action.
c. Mitigation measures not in the proposed action.

(3) Impacts, which may be:

a. Direct
b. Indirect
c. Cumulative

The above identifies the requirements of proper scope of environmental impact analysis for preparation of an environmental impact statement as defined in the CEQ Regulations.

FLOODPLAIN MANAGEMENT

The DEIS should assess and demonstrate compliance with the Executive Order (EO) 11988 regarding Floodplain Management. Under this EO, each Federal agency is required to provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplain. A copy of the Presidential Order along with a copy of the Federal Highway Administration Regulation 23 CFR Part 650 - Bridges, Structures, and Hydraulics are enclosed to assist you. In particular Section 650.113, "Only Practicable Alternative Finding" regarding significant encroachment of floodplains, and Section 650.103 (b) and (c) which direct FHWA, " to avoid longitudinal encroachments, where practicable" and , "to avoid significant encroachments, where practicable."are called to your attention. The DEIS should demonstrate compliance with these requirements. This information is enclosed for your review and should be fully addressed and incorporated into the analysis of the DEIS.

NOISE

Studies have shown that some of the most pervasive sources of noise in our environment today are those associated with transportation. For this reason, the DEIS should fully assess noise related impacts of the proposed action and the alternatives and its compatability with future land uses along the transportation corridor. We have enclosed a copy of the U.S. Department of Transportation Highway Traffic Noise Analysis and Abatement Policy and Guidance for noise related impacts for your consideration and use in assessing noise impacts of this action. We ask that it be incorporated into the DEIS.

CUMULATIVE IMPACT

The DEIS should assess the cumulative effects of the proposed navigation alternative. Cumulative impact has been defined by CEQ as, "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." Cumulative impact can result from individually minor but collectively significant actions taking over a period of time. Impacts or effects include both direct effects which are caused by an action and occur at the time and place as the action, and indirect effects which are caused by the action and occur later in time and are farther removed in distance but are still reasonably foreseeable.

In assessing cumulative impact, consideration is given to (1) the degree to which the proposed action affects public health or safety, (2) unique characteristics of the geographic area, (3) the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks, and (4) whether the action is related to other actions which are individually insignificant but cumulatively cause significant impact on the environment.

ENVIRONMENTAL JUSTICE EXECUTIVE ORDER #12898

On February 11, 1994, the President signed Executive Order #12898 which addresses environmental justice in minority and low income populations and places new responsibilities upon EPA and other Federal agencies in all activities requiring environmental assessment and review under the National Environmental Policy Act.

In accordance with Title VI of the Civil Rights Act of 1964, the new Executive Order directs each Federal agency to ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

The Executive Order further directs each Federal agency to analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321 et seq. Mitigation

measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income populations.

Each Federal agency is directed to provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and opposition groups and improving the accessibility of meetings, crucial documents, and notices.

Each Federal agency is required under the Executive Order to ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 U.S.C. section 552, the Sunshine Act, 5 U.S.C. Section 552b, and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Section 11044.

Therefore, the DEIS must address the applicability of the Executive Order to the Federal action being analyzed in the NEPA process and document measures taken by the agency to fully assess the effects on minority communities and low-income communities. Although social and economic impacts have always been a consideration in EPA's Section 309 reviews, the Presidential Executive Order highlights the necessity to better integrate the consideration of human health, social and economic effects into the Section 309 review process. The Executive Order calls for collection and analysis of information on race, national origin, income level and other appropriate information for areas surrounding projects that have expected environmental, health and economic effect on those populations. Environmental Justice impacts should be fully addressed in the DEIS. We have enclosed a copy of the EPA guidance document entitled, "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses" and a copy of the "Federal Highway Administration Environmental Guidebook Policy Statement for Addressing Environmental Justice In The Project Development/NEPA Process," to assist you in preparing the DEIS.

POLLUTION PREVENTION

In accordance with the Pollution Prevention Act of 1990 and Executive Order 12856, EPA has launched a significant initiative to incorporate pollution prevention throughout all federal sector activities. One of the principles is a pollution prevention/waste minimization directive is to minimize the use of hazardous materials and the number and size of waste streams. We ask that the DEIS describe pollution prevention and waste minimization policies and practices; including non-point sources of pollution such as run-off from highways and structures within the Trinity River.

WATER QUALITY

For each alternative under consideration, we request that the DEIS adopt a process to

ensure that the following water quality concerns are assessed. The discussion in the DEIS should be of sufficient detail to determine which sites are environmentally preferable. Site-specific water quality problems need to be assessed in greater detail, if applicable, including the adoption of site-specific mitigation measures to protect water quality and beneficial uses.

- Discuss potential impacts to water quality, beneficial uses and biological resources. Water quality and beneficial uses may be adversely impacted by construction and operation. Evaluate the potential of all program activities to cause adverse impacts to water quality, protected uses and biological resources.

Water quality may be adversely affected by the placement of fill materials in wetlands and other waters of the United States; increased sedimentation, erosion, or turbidity; the runoff of hydrocarbons, heavy metals, toxic materials or other pollutants; the accidental release of hazardous waste; and the accidental discharge of fuels or toxic materials.

- Identify all surface waters that may be affected by the proposed program. Identify the existing and potential beneficial uses of these surface waters. Protected beneficial uses for streams, creeks, lagoons, tidal areas and other surface waters may include one or more of the following: cold and warm freshwater habitat; marine habitat; fish spawning and migration; shellfish habitat; wildlife habitat; preservation of rare, threatened or endangered species; groundwater recharge; freshwater replenishment; public drinking water supplies; agricultural supply; and water contact and non-contact recreation.

Protecting water quality ensures the protection of its beneficial uses. Especially critical is the protection of several sensitive uses. It is important to protect water quality in order to maintain freshwater and wildlife habitats, since many species are sensitive to the introduction of pollutants or the adverse modification of their habitats. It is also important to protect groundwater recharge and freshwater replenishment, particularly if public drinking water supplies could be adversely affected. These sensitive beneficial uses should be carefully considered when evaluating potential impacts caused by the placement of fill, erosion, sedimentation, the runoff of pollutants, and the accidental discharge of hazardous waste or toxic substances.

- Discuss how the project will comply with state and local water quality management plans, state water quality objectives; and state-adopted, EPA-approved water quality standards. Under Section 313 of the CWA, the project must meet state water quality standards regardless of the proposed activity and manage in a manner to protect or improve water quality where standards are not established.

In 1987, Congress amended the CWA by adding Section 319. Section 319 requires states to assess non-point source water pollution problems, develop non-point source pollution management programs, and implement controls to protect and improve water quality and beneficial uses. We ask that the lead agency and project sponsor work closely with appropriate state water pollution control agencies to determine what pollution control measures should be adopted to implement the state's non-point source management plans.

- Identify critical habitat areas (wildlife feeding and drinking areas; fishery migration, spawning or rearing areas; sensitive aquatic habitats such as wetlands; riparian resources; critical habitat for threatened and endangered species. Describe the existing beneficial uses and resource values of these critical areas, and potential impacts to them from the proposed program.

- Discuss what mitigation measures (e.g., best management practices; non-point source controls will be implemented to protect or improve water quality, beneficial uses, and biological resources.

- Describe current drainage patterns in the program areas. Assess how altering drainage patterns and characteristics will affect drainage hydrology, surface runoff, erosion potential, soils vegetation, and water quality.

- Discuss affects on the flood plain. This includes using maps prepared by the Federal Emergency Management Agency and other appropriate agencies to determine whether the proposed action is located in or will likely affect a flood plain. If affected, the applicant should discuss these impacts and also describe the alternatives considered. Document compliance with E.O. 11988 on flood plain management.

We request that the lead agency work closely with state water pollution control agencies, state fish and game agencies, and the U.S. Fish and Wildlife Service, on water quality standards; the protection of water quality, beneficial uses and biological resources; mitigation and monitoring for adverse impacts.

GROUND WATER COMMENTS

For each alternative under consideration, we request that the DEIS adopt a process to ensure that the following ground water concerns are assessed. The discussion in the DEIS should be of sufficient detail to determine which site is environmentally preferable.

- Describe current ground water conditions in the program areas. Assess any likely impact to ground water quality and quantity from program activities.

- Identify mitigation measures to prevent or reduce adverse impacts to ground water quality and discuss their effectiveness. We recommend that the lead agency work closely with state and local agencies which regulate the protection of ground water resources (i.e., state health departments and water pollution control agencies.) Coordination efforts should be documented in the DEIS.

WETLANDS - CLEAN WATER ACT (CWA)

The DEIS should determine whether the project will require the placement of dredged or fill material into waters of the United States, including wetlands, an activity regulated under

Section 404(b)(1) of the Clean Water Act (CWA). We recommend that the lead agency work closely with EPA Region 6. We recommend the preservation and enhancement of existing wetland resources. The DEIS should consider alternatives which will preserve these resources in perpetuity.

It is essential that the project undertakes every practicable effort to first avoid and then reduce the amount of fill placed into waters of the United States. It would be useful for the DEIS to make an initial determination whether the proposed project may require the placement of fill material in waters of the United States. If so, the DEIS should substantiate that appropriate and practicable steps have been taken to avoid and minimize the adverse impacts on aquatic ecosystems. Finally, the DEIS must describe appropriate and practicable measures to compensate for the unavoidable loss of wetlands and other waters of the United States.

If wetlands or waters of the United States may be impacted by activities regulated by Section 404, we strongly recommend that the DEIS contain a thorough discussion of the proposed program's consistency with Federal Guidelines for specification of disposal sites for dredged or fill materials [the 404(b)(1) Guidelines, found at 40 CFR Part 230]. For each alternative under consideration, we request that the DEIS adopt a process to ensure that the Section 404 concerns are assessed. The discussion in the DEIS should be of sufficient detail to determine which site is environmentally preferable in terms of compliance with the Section 404(b)(1) Guidelines.

In order to demonstrate compliance with the 404(b)(1) Guidelines, the DEIS should meet the following criteria to the extent possible:

- The proposed discharge must be the practicable alternative which would have the least adverse impact on the aquatic ecosystem [40 CFR 230.10(a)]. If wetlands would be filled, then the DEIS should explain why there are no practicable alternatives to locating the project within wetlands and show how the project has been designed to minimize harm to existing wetlands.

- The proposed action must not cause or contribute to significant degradation of waters of the United States including wetlands and other special aquatic sites [40 CFR 230.10(c)]. Significant degradation includes the loss of fish and wildlife habitat and the loss of other wetland habitat values and functions. Significant degradation also includes cumulative impacts.

- The proposed project does not violate state-adopted, EPA-approved water quality standards or jeopardize the continued existence of any species listed as threatened or endangered under the Endangered Species Act [40 CFR 230.10(b)].

- Minimize the number of acres subject to Section 404 jurisdiction that would be permanently lost or degraded due to impacts other than the placement of fill (e.g., the impacts of erosion, sedimentation and runoff of pollutants on wetland habitats; diversion

of water from wetland habitats).

- Characterize baseline conditions. Include maps, text, and tables that feature areas occupied by wetlands, aquatic systems, and non-wetland riparian habitat. Direct, indirect and cumulative impacts to these resources should be fully described.

- Provide a programmatic mitigation proposal to fully compensate for the loss or degradation of wetland habitats, including the proposed mitigation replacement ratio, the habitat value and proposed location of replacement habitats, general grading and revegetation plans and a biological maintenance and monitoring program. Provide clear mitigation goals and objectives and quantifiable criteria by which to judge the success or failure of mitigation. Give firm commitments to ensure the restoration or creation of wetland habitats of equal or greater resource value, and commitments to ensure their protection for the life of the project.

In order to assist EPA, the Army Corps of Engineers, the U.S. Fish and Wildlife Service, and state fish and game agencies in evaluating the proposed project's consistency with the 404(b)(1) Guidelines, we recommend that the DEIS contain the following information:

- If fill activities are contemplated, then we recommend that the DEIS include a map showing the locations and types of wetland which would be filled. Wetlands should be mapped according to procedures described in the 1987 Corps of Engineers Wetland Delineation Methodology Manual.

- List the number of acres subject to Section 404 jurisdiction that would be filled and the types and quantities of fill material that would be discharged into waters of the United States, including wetlands and their special aquatic sites. Compensation must be provided for all unavoidable wetland losses.

- List the number of acres subject to Section 404 jurisdiction that would be permanently lost or degraded due to impacts other than the placement of fill (e.g., the impacts of erosion, sedimentation and runoff of pollutants on wetland habitats; diversion of water from wetland habitats).

- Describe the habitat value and location of habitats are permanently lost or degraded.

- Characterize baseline conditions. Include maps, text, and tables that feature areas occupied by wetlands, aquatic systems, and non-wetland riparian habitat. Direct, indirect and cumulative impacts to these resources should be fully described.

- Provide a specific mitigation proposal to fully compensate for the loss or degradation of wetland habitats, including the proposed mitigation replacement ratio, the habitat value and proposed location of replacement habitats, specific grading and revegetation plans and a biological maintenance and monitoring program. Provide clear mitigation goals and

objectives and quantifiable criteria by which to judge the success or failure of mitigation. Give firm commitments to ensure the restoration or creation of wetland habitats of equal or greater resource value, and commitments to ensure their protection for the life of the program.

CLEAN AIR ACT

For each alternative under consideration, we request that the DEIS adopt a process to ensure that the air quality concerns identified below are assessed. The discussion in the DEIS should be of sufficient detail to determine which site or transportation service system is environmentally preferable.

Discuss existing air quality conditions in terms of National Ambient Air Quality Standards (NAAQS), Federal Prevention of Significant Deterioration (PSD) increments, and state air quality standards. Conformity to state air quality laws and transportation planning should be discussed.

Identify whether program activities could adversely affect air quality in terms of ambient concentrations and the numbers of federal/state standards and increment violations.

Discuss the types and effectiveness of mitigation measures that will be used to protect air quality (e.g., vapor recovery systems, fumes incinerators, and dust control measures during construction phase). Identify parties which will be responsible for implementing air quality mitigation measures.

Coordinate and include documentation of coordination with state/local/regional air pollution control agencies on air quality planning, air quality modeling, compliance with federal/state air quality standards, the need for air permits, air quality monitoring, and mitigation for adverse impacts.

PESTICIDES

The DEIS should state whether or not any pesticides (e.g., herbicides, insecticides, rodenticide, fungicides, etc.) will be used for vegetation clearance or control, maintenance and harvest operations, or the control of rat, mosquito or other vector populations. If so, the types of pesticides, application rates, and application procedures should be addressed. Any pesticides used must be registered with the EPA and the state, and label directors and instructions followed. All applicable state regulations must also be followed. In addition, because the regulatory status of chemicals is constantly changing, EPA recommends that a periodic review of the chemical's current regulatory status be done prior to application. Should pesticides be used, EPA recommends that a specific section of the DEIS be devoted to the subject.

AGRICULTURAL LAND

The DEIS should clarify if any agricultural land would be impacted by the program. If so,

the document should use the U.S. Department of Agriculture classification scheme to describe the present use of agricultural land which would be affected. If this acreage is prime agricultural land (Class 2), consideration should be given to the CEQ (August 30, 1976 and August 11, 1980) which urge the protection of prime agricultural land. Mitigation measures should be developed to avoid loss of any such valuable resources.

HISTORIC PRESERVATION

36 CFR Part 800 of the Historic Preservation Act requires Federal agencies to identify and determine the effect of the action on any district, site, building, structure, or object listed in or eligible for listing in the National Register of Historic Places. The DEIS should demonstrate proper coordination with the state historical preservation officer. If adverse impacts are identified, the Federal agency should request formal consultation with the Advisory Council on Historic Preservation (36 CFR, Part 800). Compliance with Executive Order 121593 is required and should be fully documented in the DEIS.

ENDANGERED SPECIES

The DEIS should demonstrate adequate coordination with the Fish and wildlife Service to identify any adverse effects, determine the effect and take measures to eliminate it and fully comply with the requirements under Section 7 of the Endangered Species Act. Section 7 consultation should be fully documented and discussed in the DEIS.

MITIGATION

Section 1502.14(f) of the CEQ regulations state what an EIS must address for each alternative appropriate mitigation measures not included in the proposed action or alternatives. Section 1508.20 defines mitigation to include: a) avoiding the impact altogether by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and e) compensating for the impact by replacing or providing substitute resources or environment. Mitigation should be fully addressed in the DEIS.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 13 1999

Walter C. Waidelich, Jr.
District Engineer
Federal Highway Administration
Texas Division Office
300 East Eighth Street
Austin, TX 78701

Dear Mr. Waidelich:

Thank you for your recent letter, dated August 4, 1999, inviting our Agency's participation in the development of a Draft Environmental Impact Statement (DEIS) for the Trinity Parkway Reliever Route, Dallas County, Dallas, Texas.

EPA Region 6 will be able to participate in a limited basis because of limited resources. We are already participating with the North Texas Tollway Authority and the City of Dallas staff in the preparation of this document. We participated in the public scoping meeting and provided detailed scoping comments, dated July 16, 1999, for those areas we believe to be fully evaluated in the DEIS. A copy is enclosed for your reference. For specific environmental resource issues, your staff and consultants are welcome to visit with our Regional staff experts to discuss specific technical data collection and impact analysis concerns.

I am the designated Regional point of contact for this EIS project related correspondence and meeting scheduling for discussions with Regional staff for technical assistance.

We appreciate this opportunity to participate in the National Environmental Policy Act (NEPA) planning and decision making process and look forward to working with your staff. If you have any questions, please contact me at 214-665-7451 or E-MAIL me at jansky.michael@epa.gov for assistance.

Sincerely yours,

Michael P. Jansky, P.E.
Regional 309 Review Coordinator

Enclosures

Cargo, Douglas

From: Augurson.Shirley@epamail.epa.gov
Sent: Wednesday, October 11, 2000 5:17 PM
To: Cargo, Douglas
Cc: Balandran.Olivia-R@epamail.epa.gov; Carney.Gerald@epamail.epa.gov; Arthur.Warren@epamail.epa.gov
Subject: RE: EJ Contact Names for Trinity Parkway Project

Douglas,

I got your phone call while I was out of the office last week regarding follow-up on the EJ meeting/information. We're having a hard time getting all
of the necessary people together here, but I do have some information for you.
I got a phone call back from Brenda Moore with the West Dallas community. She
provided names of 4 individuals who want to work on this initiative:

1) Brenda Moore
Phone: (214) 638-8794
New Start for Better Env.

2) Rev. R.T. Conley
(214) 638-4434
New Start for Better Env.

3) Barbara Thompson
(214) 637-6440
Westmoreland Heights Neighborhood Assn.

4) Pat Stephens
Westmoreland Heights Neighborhood Assn.

Maps were done on each of the six options you presented. The EJ maps show a
high potential (EJ index ranking of 75 out of 100) for impacts on EJ communities
in the affected areas. When we get together to review this information, you
will see this clearly depicted on the maps. Some of the next steps we would
suggest you take is to look at specific potential impacts (postive and negative), i.e., increased traffic, flood control, dust/noise during construction, disruption of traffic patterns, etc. Subsequently, you may want
to identify possible mitigation steps to address those impacts. Convening a
series of meetings of the the community stakeholder group can be useful in
executing these steps of the process. Look forward to meeting with you soon.

Shirley Augurson
EPA, Region 6
Office of Environmental Justice (6RA-DJ)
Dallas, TX

Paxton/rg/8-6389/1549

August 20, 1999

Environmental Division

Mr. Walter C. Waidelich, Jr.
District Engineer
U.S. Department of Transportation
Federal Highway Administration
300 East 8th Street
Austin, Texas 78701

Dear Mr. Waidelich:

Thank you for your letter dated August 4, 1999, requesting the U.S. Army Corps of Engineers, Fort Worth District, become a cooperating agency on the EIS proposed Trinity Parkway reliever route in the city of Dallas, Dallas County, Texas.

The Fort Worth District has in the past and is currently participating in Major Investment Study Project Coordination Work Groups with the Texas Department of Transportation and appreciates the continued opportunity to work with you on projects of mutual interest. We are aware that the Federal Flood Protection project in Dallas may be directly affected by the alternative routes of the proposed Trinity Parkway. We recognize that there is an interrelationship of these two projects; however, we prefer not to formally participate as a cooperating agency in your NEPA process at this time in order that your plan formulation and selection will not be inadvertently biased. We remain ready to fully cooperate with your agency and provide data and assistance within our areas of expertise.

Requests for review of your EIS in the area of floodplains and wetlands should be sent to the attention of Mr. Paul M. Hathorn, Chief, Environmental Resources Branch. Thank you again for the opportunity to act as a cooperating agency on the development of the EIS for this project.

Sincerely,

James S. Weller
Colonel, Corps of Engineers
District Engineer

MFR: Fed Hwy Admin requests "cooperating agency" status of all Federal Agencies on all their projects. In the past, Ch, EV has responded. Because of front office suspense, DE will sign these.

CESWF-EV-EE PAXTON
CESWF-EV-E HATHORN
CESWF-EV-R LEAD
CESWF-EV FICKEL
CESWF-DDE-PM MOCEK
CESWF-KO MCCARTH
CESWF-DE WELL

Halff Associates
ENGINEERS • ARCHITECTS • SCIENTISTS
PLANNERS • SURVEYORS

8616 NORTHWEST PLAZA DRIVE
DALLAS, TEXAS 75225
(214) 346-6200
FAX (214) 739-0095

March 30, 2000
AVO 17826

Mr. Preseley Hatcher
U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Request for an updated wetland delineation for the Dallas Floodway and associated drainage sumps, in Dallas, Texas

Dear Mr. Hatcher:

Halff Associates, Inc. (Halff) is currently involved with several projects, namely the NTTA Trinity Parkway and the City of Dallas Lakes Project, which could potentially impact jurisdictional wetlands and waters of the U.S. The projects are within or associated with the Dallas Floodway (Floodway) in downtown Dallas, Texas. These projects vary in size and scope, however, the majority of impacts could occur within the floodway between the Elm Fork/West Fork confluence and the Central Wastewater Treatment Plant. Figures 1A-C show this portion of the Floodway and the study corridor on U.S.G.S Quadrangle Maps for Irving, Dallas and Oak Cliff, Texas.

In 1993, the City of Dallas applied for a Section 10 and 404 permit (#199300146) to desilt and excavate a section of the Trinity River within the floodway. Dallas Public Works retained Halff to assist in delineating jurisdictional wetlands within the floodway as part of that project. The enclosed set of maps labeled "Trinity River Channel Modification" shows the delineation submitted with the desiltation permit. Halff believes that the wetland delineation associated with that permit has expired or will expire shortly and requests an extension or approval of a new delineation. This updated delineation will then be used to assess impacts of upcoming projects.

UPDATED DELINEATION

Field investigations of the project area were conducted on various days between March and October 1999 by Halff environmental staff. Prior to field reconnaissance, aerial photographs, soil survey maps, and U.S. Fish & Wildlife National Wetland Inventory (NWI) maps were reviewed. Based on the large amount of information available, the routine on-site determination method was used. The delineation from the 1993 desiltation permit was used as a baseline reference in completing the current delineation.

Wetland delineation points were concentrated near wetland areas from the Halff 1993 delineation. A significant amount of earthwork has occurred within the floodway since 1993 and mapped wetlands were field checked to ensure that vegetation, soils, and hydrology still met the criteria to be considered jurisdictional wetlands. Field inspections were made at various times during the year and vegetation varied accordingly. Photographs of site conditions taken at various times during the year and completed wetland data forms characterizing typical conditions within the Dallas Floodway are enclosed in Appendix A.

The majority of the impacts from the desiltation project involved widening the cross section of the river channel. The first phase of the project between the DART RR and IH-35 has been completed and none of the wetlands in the immediate vicinity were impacted during construction. Only one area showed evidence of wetland disturbance (Photograph 2). A visual inspection of the immediate area concluded that the majority of the fill was placed in non-wetland areas near the Floodway access road and only the edge of the wetland had been impacted.

Halff recognizes that segments of the historical West Fork and Elm Fork river channels are jurisdictional. Halff requests the Corps' assistance in the jurisdictional determination of man-made drainage sumps adjacent to the levees outside of the floodway. The segments of historical river channel collect stormwater runoff from urbanized Dallas and Oak Cliff. This runoff then collects in on-channel (to the historical river channel) drainage sumps before draining into the floodway. Halff believes that the drainage sumps (labeled in Figures 2 and 3) adjacent to Corinth Street and west of Houston/Inwood Avenue are jurisdictional based on their association with historical river channel. Several small linear drainages (labeled as "man-made drainage sumps") adjacent to the floodway were considered isolated, man-made drainages excavated in an upland. Even though they may sometimes exhibit wetland characteristics they have not been included as jurisdictional waters of the U.S.

Please review the enclosed data sheets, photographs, and maps and determine whether or not you concur with our delineation. In the event that a permit for a future project is submitted to the Corps, a detailed localized delineation with project impacts would be submitted with the application. However, duringthe initial review of these future projects, Halff would like to evaluate potential impacts based on a delineation that has been approved by the Corps. We would be pleased to meet with you in your office or in the field to discuss the jurisdictional eligibility of the drainage sumps or to discuss the floodway in general. If you have any questions or require any information, please do not hesitate to call at (214)-346-6200.

Sincerely,
HALFF ASSOCIATES, INC.

David Morgan, Vice President
Environmental Scientist

Russell Marusak
Environmental Scientist

Enclosures

cc: Mr. Chris Anderson – NTTA
Mr. Greg Ajemian, P.E. – City of Dallas

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

May 19, 2000

RECEIVED
MAY 2 2 2000
Halff Associates, Inc.

Environmental Division
Regulatory Branch

SUBJECT: Project Number 200000308, Dallas Trinity Lakes Project

Mr. David Morgan
Vice President
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225

Dear Mr. Morgan:

Thank you for your letter dated March 30, 2000. Your request has been assigned Project Number 200000308.

Mr. David Martin has been assigned as the regulatory project manager for your request and will be evaluating it as expeditiously as possible. However, because of our permit workload it will take a while for us to respond.

You may be contacted for additional information about your request. For your information, we are enclosing guidance on submittals and mitigation that may help you prepare future requests or supplement your current request.

If you have any questions about the evaluation of your request, please contact Mr. David Martin at the address above or telephone (817)978-4625 and refer to your assigned project number. Please note that it is unlawful to start work without a Department of the Army permit if one is required.

Wayne A. Lea
Chief, Regulatory Branch

Enclosures

Halff Associates
ENGINEERS • ARCHITECTS • SCIENTISTS
PLANNERS • SURVEYORS

8616 NORTHWEST PLAZA DRIVE
DALLAS, TEXAS 75225
(214) 346-6200
FAX (214) 739-0095

August 16, 1999
AVO 17826

SEP 10 1999

FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION VI
REGIONAL ENVIRONMENTAL OFFICE
Coordinate with Local Government
Floodplain Administrator to obtain
necessary development permit.
Environmental Officer 9/8/99 Date

Mr. Kyle M. Mills, Regional Environmental Officer
Federal Emergency Management Agency
Region VI Federal Center
800 N. Loop 288
Denton, TX 76201

Re: Trinity Parkway EIS Agency Scoping Process

Dear Mr. Mills:

Halff Associates, Inc. has been retained by the North Texas Tollway Authority (NTTA), in cooperation with the Federal Highway Administration (FHWA) and Texas Department of Transportation (TxDOT), to prepare an Environmental Impact Statement (EIS) for the proposed Trinity Parkway reliever route from SH-183/IH-35E to SH-310/US-175 in the city of Dallas, Dallas County, Texas. Your agency has been identified as having legal jurisdiction, special expertise, and/or EIS review requirements associated with the completion of the Trinity Parkway EIS.

Pursuant to the National Environmental Policy Act and FHWA scoping requirements, we are requesting your agency to: (1) identify specific issues and concerns to be addressed in the EIS; (2) identify environmental resource issues that would assist in the refinement of project alternatives; and/or (3) identify permit requirements, review requirements, and consultation procedures related to project development.

Enclosed is a copy of the FHWA Notice of Intent, which was published in the *Federal Register* on June 16, 1999. Included is a study area map indicating the project limits and the approximate locations of four preliminary build alternatives currently being considered. We look forward to your response concerning this important project. If you have any questions or require any additional information, please do not hesitate to contact me at (214) 346-6200.

Sincerely,
HALFF ASSOCIATES, INC.

John R. Hoffman

John R. Hoffman, Environmental Scientist
Lead Project Scientist

cc: Mr. Jerry Hiebert, Executive Director, NTTA, 3015 Raleigh Street, Dallas, TX 75219
Ms. Kathy Dimpsey, Env. Coord., FHWA, 300 E. 8th St., Rm. 826, Austin, TX 78701
Ms. Elvia Gonzalez, Supervisor-Field Area 2, TxDOT, 125 E. 11th St., Austin, TX 78701
Mr. Tim Nesbitt, P.E., TxDOT Dallas Office, PO Box 3067, Dallas, TX 75221-3067

Enclosures

U.S. Department
of Transportation

Federal Highway Administration

Texas Division Office
300 East 8th Street,
Rm 826
Austin, Texas 78701

May 4, 2000

In Reply Refer To:

HA-TX

Mr. Ross Richardson
Chief, Community Mitigation Programs Branch
Federal Emergency Management Agency
800 North Loop 288
Denton, Texas 76201

Dear Mr. Richardson:

The Federal Highway Administration (FHWA), in cooperation with the North Texas Tollway Authority (NTTA) and Texas Department of Transportation (TxDOT), is initiating an Environmental Impact Statement (EIS) for the proposed Trinity Parkway reliever route from the SH-183/IH-35E interchange to SH-310/US-175 in the City of Dallas, Dallas County, Texas. Since the project may involve a longitudinal encroachment of a flood plain and your agency has special expertise on regulatory flood ways, we are requesting you to be a cooperating agency.

The purpose of the proposed Trinity Parkway reliever route is to relieve traffic congestion on IH-35E and IH-30 within the City of Dallas. In 1998, A Major Transportation Investment Study (MTIS) was completed by TxDOT in order to develop a locally-preferred plan to solve transportation problems along the Trinity River corridor in Dallas and to integrate with community plans and goals for the Trinity River resource. The study was focused on transportation needs in the IH-35E/IH-30 interchange on the west side of downtown Dallas, locally known as the "Mixmaster," and the depressed segment of IH-30 south of downtown, locally known as the "Canyon." The MTIS Recommended Plan of Action is comprised of seven elements, which include improvements to existing facilities, improving alternative transportation modes, and constructing a reliever route along the Trinity River. The MTIS considered in detail four corridors for the proposed reliever route. These included Stemmons Freeway (IH-35E), Industrial Boulevard, the east Trinity River levee and the west Trinity River levee.

Your agency's involvement should entail those areas under its jurisdiction and no direct writing or analysis will be necessary for the document's preparation. The following are activities we will take to maximize cooperation:

1. Invite you to coordination meetings;

2. Consult with you on any relevant technical studies that will be required for the project;

3. Organize joint field reviews with you;

4. Provide you with project information, including the study results;

5. Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise; and

6. Include information in the project environmental documents that cooperating agencies need to discharge their National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agency's respective roles and responsibilities during the preparation of this EIS, please contact Sal Deocampo at (512) 916-5988.

Sincerely Yours,

Walter C. Waidelich, Jr.
District Engineer

cc: Mr. Jerry Hiebert, Executive Director, North Texas Tollway Authority
Mr. John Hoffman, Halff Associates
Mr. Tim Nesbitt, Texas Department of Transportation, Dallas District

United States Department of the Interior
NATIONAL PARK SERVICE

INTERMOUNTAIN REGION
Intermountain Support Office - Denver
12795 West Alameda Parkway
Post Office Box 25287
Denver, Colorado 80225-0287

RECEIVED ON
JUL 26 1999
TEXAS DIVISION
FHWA

IN REPLY REFER TO:

July 21, 1999

Walter C. Waidelich, Jr.
District Engineer
Federal Highway Administration
300 E. 8th Street
Room 826
Austin, TX 78701

RE: Notice of Intent to Prepare a Draft Environmental Impact Statement for the Trinity Parkway Reliever Route, From SH-183/IH-35E Interchange to SH-310/US-175 Interchange, Dallas County, Texas.

Dear Mr. Waidelich:

The proposed Trinity Parkway Reliever Route transportation corridor study area includes Rochester Park. This Dallas, Texas community park was developed with assistance from the Land and Water Conservation Fund (L&WCF) program in grant number 49-00175. Accordingly, Rochester Park is encumbered by section 6(f)(3) of the L&WCF Act of 1965 (Public Law 88-578, as amended).

As the environmental impact statement planning process proceeds, we recommend additional consultation with the Texas Parks and Wildlife Department to determine if there are conflicts with section 6(f)(3). This section states in part: "No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreational properties of at least equal fair market value and of reasonable equivalent usefulness and location."

The responsible official for administering the L&WCF program in Texas is Andrew Sansom, Executive Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744. → 512-916-7120

If you should have any questions, please contact me at (303) 969-2377.

Sincerely,

Greg Cody

Greg Cody
NEPA/Section 106 Specialist
National Park Service
Intermountain Region-Denver Support Office
12795 W. Alameda Pky
Denver, CO 80225-0287

OPTIONAL FORM 99 (7-90)
FAX TRANSMITTAL
# of pages ▸ 1
To John Hoffman
Dept./Agency
Fax # 214-239-0095
From Kathy / FHWA
Phone # 512-916-5917
Fax #
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

USDA United States Department of Agriculture

Natural Resources Conservation Service

101 South Main
Temple, Texas
76501-7682

August 23, 1999

Mr. John Hoffman
Environmental Scientist
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225-4292

Dear Mr. Hoffman:

We have reviewed the FHWA Notice of Intent to prepare an Environmental Impact Statement for the proposed Trinity Parkway reliever route. We have no specific suggestions relative to specific issues or environmental issues that would assist in the refinement of the project alternatives. We do not have permitting requirements. We are available to assist in natural resource concerns identified, particularly related to the soil resource.

Thank you for allowing us to comment on this important project.

Sincerely;

For JOHN P. BURT
State Conservationist

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 13, 1999

Mr. John R. Hoffman
Environmental Scientist
Halff Associates
8616 Northwest Plaza Drive
Dallas, Texas 75225

Re: Trinity Parkway EIS Agency Scoping Process

Dear Mr. Hoffman:

The following staff of the Texas Natural Resource Conservation Commission (TNRCC) have reviewed the above-referenced project and offer the following comments:

It has been determined from a review of the information provided that an Application for TNRCC Approval of Floodplain Development Project need not be filed with TNRCC. Our records show that the community is a participant in the National Flood Insurance Program and as such has a Flood Hazard Prevention Ordinance/Court Order. Accordingly, care should be taken to ensure that the proposed construction takes into account the possible Flood Hazard Areas within the community's floodplains. Please notify the community floodplain administrator to ensure that all construction is in compliance with the community's Flood Hazard Prevention Ordinance/Court Order.

If you have any questions regarding water quantity, please feel free to contact Mr. Mike Howard, Water Quantity Division, at (512) 239-6155.

The Office of Air Quality has reviewed the above-referenced project for General Conformity impacts in accordance with 40 CFR Part 93 and Chapter 101.30 of the TNRCC General Rules. The proposed project is located in Dallas County, which is classified as a serious ozone nonattainment area. Therefore, general conformity rules apply.

The two criteria pollutants of concern as precursors to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NOx). An increase of 50 tons per year for VOCs, resulting from the proposed project, could trigger general conformity analysis. However, the analysis of projected emissions predicts a net increase of VOC emissions well below the 50 tons

per year significance level. Therefore, a general conformity analysis for VOCs will not be required.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions pose no significant impact upon air quality standards. The minimal dust and particulate emissions can easily be controlled with standard dust mitigation techniques by the construction contractors.

If you have any questions regarding air quality, please feel free to contact Mr. Wayne Young, Air Quality Planning and Assessment Division, at (512) 239-0774.

We recommend the environmental assessment address actions that will be taken to prevent surface and groundwater contamination during and after construction.

If you have any questions regarding water quality, please contact Mr. Clyde Bohmfalk, Policy and Regulations Division, at (512) 239-1315.

Thank you for the opportunity to review this project. If I may be of further service, please call me at (512) 239-1454.

Sincerely,

Mary Lively
Office of Environmental Policy, Analysis, & Assessment
Texas Natural Resource Conservation Commission

October 6, 1999

Mr. John R. Hoffman, Environmental Scientist
Halff Associates
8616 Northwest Plaza Drive
Dallas, Texas 75225

Re: Trinity Parkway EIS Agency Scoping Process

Dear Mr. Hoffman:

Thank you for coordinating with this agency in your activities concerning the preparation of an Environmental Impact Statement (EIS) for the proposed Trinity Parkway reliever route from SU-183/IH-35E to SH-3210/US-175 in the city of Dallas, Dallas County, Texas.

There will be no direct impact on existing Texas Parks & Wildlife projects involving the Land and Water Conservation Fund and the Local Parks Fund (now Texas Recreation and Parks Account).

Because of the location and size of the project, there may be extensive adverse impacts to fish and wildlife resources. Therefore, we recommend an inventory of existing natural resources along the proposed routes. Also, specific evaluations should be designed to predict project impacts upon these natural resources. Sufficient documentation must be supplied to accurately interpret the value of the natural resources involved and the extent to which the project will impact these resources.

Analysis should include descriptions of the types and amount of existing fish and wildlife habitats, i.e., acreage estimate of vegetation communities (especially high qualify habitats such as drainages, wetlands, and hardwood bottomlands). Documentation should include aerial and ground photographs, topographic maps, schematic diagrams, terrain maps, charts and tables, and narrative descriptions sufficient to describe, quantify, and qualify the data. Mitigation should be an integral part of the document. Mitigation should incorporate avoidance, minimization, and compensation. Information concerning threatened and endangered species can be obtained from our Biological Conservation Data System (512/912-7021).

Sincerely,

Ray C. Telfair II

Ray C. Telfair II, Ph.D.
Natural Resource Specialist

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512-389-4800
www.tpwd.state.tx.us

Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163
214/749-3278

September 3, 1999

Mr. John R. Hoffman
Halff Associates, Inc.
8616 Northwest Plaza Drive,
Dallas Texas 75225-4292

Dear Mr. Hoffman:

In response to your letter "Trinity Parkway EIS Agency scoping Process," DART is interested in the impact of your project on the major investment studies (MIS) in the Southeast and Northwest corridors, the Light Rail Transit (LRT) Starter System and Trinity Railway Express (TRE) operations.

Your project is included in the baseline assumptions for DART's two major investment studies. Consequently, we would welcome information on possible refinements to your project that might result through the EIS process. We have no specific concerns to be addressed, but we would like to know the environmental impacts of your project in the following areas:

1. Induced Developments
2. Noise, Vibration, and Electromagnetic Fields (EMF)
3. Air quality
4. Utilities
5. Hazardous/Regulated Materials
6. Short- and long-term construction impacts

These environmental areas are important as DART moves into the PE/EIS phase of project development of the Southeast and Northwest corridors.

DART is also interested in the specific interface of your project with the ATSF Railroad Trestle at the Trinity River, the LRT bridge at the Trinity River and the TRE bridge over Stemmons Freeway. The ATSF Railroad Trestle has been determined to be eligible for inclusion in the National Register and the City of Dallas is seeking a grant application to restore the trestle for use as a trail.

Your contact person for this project will be Victor Ibewuike. You can reach him at (214) 749-2821. Thank you for contacting DART regarding this scoping process.

Sincerely,

Tom K. Ryden

Tom K. Ryden, P.E.
AVP, Capital Planning & Development

c: Doug Allen
John Hoppie
Victor Ibewuike

U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas

Fort Worth, Texas 76193-0000

SEP 28 1999

Mr. John Hoffman
Halff Associates
8616 Northwest Plaza Drive
Dallas, TX 75225

Dear Mr. Hoffman:

Thank you for your letter dated September 17, 1999, requesting the Federal Aviation Administration's (FAA) comments on the proposed Trinity Parkway reliever route in Dallas, Texas.

The FAA's comments are limited to the potential aeronautical effects of the proposed action. In this regard, Federal Aviation Regulation Part 77 requires notification if any of the associated work results in structures exceeding 200 feet in height above the ground or penetrating imaginary surfaces extending outward and upward at one of the following slopes:

100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway at a public-use airport with a runway length greater that 3,200 feet,

50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway at a public-use airport with a runway length equal to or less than 3,200 feet, or

25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area at a public-use heliport.

If any element of the proposed action is expected to exceed the above criteria, please complete an FAA Form 7460-1 for each occurrence and send it to the FAA Southwest Regional Office. A copy of the form is enclosed should you require it.

Thank you for the opportunity to comment on the proposed action. If you need additional forms or if this agency can be of further assistance, please contact Mr. Dean McMath at (817) 222-5617.

Sincerely,

Clyde M. DeHart, Jr.
Regional Administrator
Southwest Region

Enclosure

NORTH TEXAS TOLLWAY AUTHORITY
5900 West Plano Parkway • Plano, Texas 75093 www.ntta.org

NEWS ADVISORY

SUBJECT: North Texas Tollway Authority Receives Cost Estimates on Trinity Parkway

FOR IMMEDIATE RELEASE:
November 10, 2000

FOR MORE INFORMATION CONTACT:
Jo Ann Borst, Director
Communications and Marketing
214/461-2065
Email: jborst@ntta.org

North Texas Tollway Authority Receives Projected Costs on Proposed Trinity Parkway Project

Dallas, Texas – Officials with the North Texas Tollway Authority (NTTA) and the City of Dallas received estimated costs today on the five Trinity Parkway design alternatives being evaluated as part of the Environment Impact Statement (EIS) process. Halff Associates, the Dallas engineering consulting firm who conducted the Trinity Parkway's EIS for NTTA, released the findings.

According to the North Texas Tollway Authority (NTTA) and Dallas City officials, the proposed Trinity Parkway would be a reliever route around the congested I-30 "Canyon" and I-30/I-35E "Mixmaster" near downtown Dallas. In September 2000, the American Automobile Association designated the MixMaster as one of the top ten worst commuting trouble spots in the USA. Two interstates merge at the Mixmaster, and the interchange struggles to carry hundreds of thousands of vehicles a day through this bottleneck.

Halff Associates reported that the probable total capital cost for construction for the different alternatives ranged from $620 million for the "combined parkway-riverside" alternative, $669 million for the "split parkway-riverside" alternative, $865 million for the "split parkway-landslide" alternative, $923 million for the "industrial at-grade" alternative within the Industrial Boulevard Corridor, to $1.2 billion for the "industrial elevated" alternative within the Industrial Boulevard Corridor. These costs are current year costs and have not been adjusted for future inflation. By implementing one of these alternatives, accrued congestion savings are estimated to be in excess of $1 billion. A sixth option is the "no-build" alternative.

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The consulting firm indicated that the estimates of probable cost include construction, right-of-way acquisition, relocation expenses, design, testing and management, environmental mitigation and landscaping. The estimates assume specific credits from other agencies for associated improvements in the project corridor, such as raising the Dallas floodway levees and programmed modifications to several existing bridge crossings. The estimated costs also include a 20 percent contingency allocation.

The Trinity Parkway project was first studied in detail in a Major Transportation Investment Study (MTIS) by the Texas Department of Transportation (TxDOT) in 1996-1998. At the time of the MTIS, the preferred configuration was the "split parkway-riverside" option, which carried an estimated construction and right-of-way cost of $394 million for a non-tolled roadway. The MTIS reported an additional $46 million for design testing, inspection and administrative costs. When adjusted for inflation, this total cost would be expected to rise to approximately $500 million in year 2000 dollars.

Because of public input and the conversion of the Trinity Parkway into a toll facility, several elements of the proposed project have significantly changed subsequent to the MTIS process. For instance, changes to the "split parkway riverside" alternative include an additional $12 million for requested connections to South R.L. Thornton (I-35E); $42 million for toll plazas; $28 million for access ramps from arterial streets to the floodway parks; $32 million for lane additions and deletions; and $21 million for landscape and walls adjacent to the city lakes and parks. Remaining differences between the old and new estimates can be explained by better detail in the engineering designs.

"Considering the impacts of construction inflation over the past several years and additions to the scope of the project, our current estimates appear consistent with those developed for the MTIS ," says Martin Molloy, president of Halff Associates. "The new analysis did not change the relative ranking of the various alternatives' costs. We feel that the scope changes reflect the continuing input and comments we received from the community during the process of studying these alternatives. The challenge is to look at value engineering, construction staging and other means to reduce the final costs. These estimates will continue to be refined as the EIS process is completed, and a detailed schematic is developed for the chosen alternative."

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Funding for the Trinity Parkway must come from a variety of sources. The City of Dallas has committed $84 million to the project from the City's 1998 Bond Program. In 1998, the NTTA completed preliminary toll feasibility studies, which indicated that approximately $150 million in construction funds could be supported by potential toll revenues.

"The preliminary feasibility studies were completed almost two years ago," explains Christopher Anderson, planning director for the NTTA. "Since that time, additional traffic and travel studies have been conducted as a part of the environmental process. We hope that as more detailed feasibility studies are conducted in the future, the findings may eventually translate into increased toll revenues over earlier estimates, which would enable the NTTA to participate in construction costs at a greater level."

Another significant portion of funding for the project will have to come from TxDOT. "A project of this magnitude will require special funding consideration from TxDOT," says Jay Nelson, TxDOT Dallas district engineer.

The Trinity Parkway would be a reliever route to the congested I-30 Canyon and Mixmaster near downtown Dallas. "The transportation significance of this reliever route in alleviating traffic congestion is indicated by the fact that four out of every five vehicles in the MixMaster actually bypass the Dallas Central Business District," says Tim Nesbitt, TxDOT Trinity River Corridor Project manager.

According to Michael Morris, director of transportation of the North Central Texas Council of Governments, the Trinity Parkway is one of the most crucial improvements planned in the region's Mobility 2025 Plan. "Without a significant addition of roadway capacity in this corridor, congestion will increase to a point of gridlock and will have adverse regional effects on air quality and sustainable development," says Morris.

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The cost estimates and other details of the environmental process will be presented to the Dallas City Council on Wednesday, November 15, 2000, Dallas City Hall. By spring 2001, a draft Environmental Impact Statement will be complete and available to the public for review. A public hearing to receive comments on the study will be scheduled during the first or second quarter of 2001.

The planning, design, funding and construction of a toll facility is a long and complicated process. Ultimate funding and construction is dependent on many factors not in the control of the NTTA or other governmental entities. A substantial amount of information must be obtained and many decisions made by the NTTA Board of Directors and other entities before the project could go forward.

The North Texas Tollway Authority, a political subdivision of the State of Texas, is authorized to acquire, construct, maintain, repair and operate turnpike projects in the North Texas region. The NTTA serves the four-county area of Collin, Dallas, Denton and Tarrant Counties and is responsible for the Dallas North Tollway System, consisting of the Dallas North Tollway, President George Bush Turnpike, Addison Airport Toll Tunnel, and the Mountain Creek Lake Bridge project in the City of Grand Prairie. The North Texas Tollway Authority is able to raise capital for construction projects through the issuance of turnpike revenue bonds. NTTA toll projects are not a part of the State highway system and receive no tax funding for their portion of the roadway. Tolls are collected to repay debt, operate and maintain the roadways.

For additional information about the North Texas Tollway Authority, Dallas North Tollway System and the TollTag® Online Store, visit www.ntta.org or call 214-461-2000.

CITY OF DALLAS

January 31, 2002

Mr. David S. Morgan
Halff Associates
8616 Northwest Plaza Dr.
Dallas, Texas 75225

RE: Impact on existing parks associated with the proposed Trinity Parkway

Dear Mr. Morgan:

Per your request, I have reviewed the five alignment options of the proposed Trinity Parkway for potential impact to existing park land. I based my evaluation on the draft documents that your firm prepared for the North Texas Tollway Authority dated September 2000. As such, my evaluation is based on those plans only and further evaluation would be required should the plans change.

The alignments that are in or touch the Trinity River Park (between the levies) will not have 4 (f) issues or fall under the requirements of the Texas Parks and Wildlife Code as the deed indicates the property is to be used for park and transportation uses. In reviewing all five alignment options, it appears that no city park will be physically impacted other than the Trinity River Park. However, the "split Parkway-landside/alternative 5" alignment appears to route close to the northern boundary of Moore Park. Be advised that public hearings and mitigation are required in accordance with the Texas Parks and Wildlife Code if Moore Park property is needed for the Trinity Parkway. It may be necessary to review more detailed plans for this alignment as it pertains to Moore Park.

Please advise if you require further information or assistance. You may contact me directly at 214-670-4103.

Sincerely

Michael Hellmann
Senior Park Planner
Mhellma@ci.dallas.tx.us

C: Willis C. Winters
Leong Lim
Richard Stauffer
Rebecca Dugger, Trinity River Office

Share: Mike Hellmann Folder—Trinity Parkway alignment impact

Deed Information

CITY OF DALLAS
TEXAS

January 13, 1972

Mr. John Stemmons
Industrial Properties
12th Floor - Stemmons Tower East
2700 Stemmons Freeway
Dallas, Texas

Dear Mr. Stemmons:

At its meeting Monday, January 10, 1972 the Park and Recreation Board accepted the escrow deed on the 930 acres of land owned by Industrial Properties within the floodplain of the Trinity River between the levees.

May I express to you our sincere appreciation for this generous offer on your part. We are pledged to do our very best to carry out the conditions necessary for consummation of the transfer. To that end, we have proposed bond monies for the sponsored share in a federal land buying program. We have an application on file for assistance in acquiring the remainder of land within the limits of the flood control district.

We believe your action is timely and we are confident that it will be extremely helpful in successfully achieving the favorable vote on the bond program.

Thanks again from all of us on the Park Board.

Sincerely,

Wm. B. Dean, M.D., President
Park and Recreation Board

LBil/d

CITY OF DALLAS

January 17, 1974

Mr. John Stemmons, President
Industrial Properties Corporation
Dallas, Texas

Dear Mr. Stemmons:

Please refer to that certain Escrow Agreement dated January 1, 1972, executed by Industrial Properties Corporation and the City of Dallas and Dallas Title Company as Escrow Agent. Paragraph IV, Page 4 of that Agreement provides that the opinion of the City Attorney "that the City has acquired title to all of said lands, has suits pending that will result in acquiring said title, or has failed to acquire title to all of said lands by January 1, 1974, shall be conclusive upon the parties hereto."

In my opinion, the City of Dallas, as of January 1, 1974, either had title to or had suits pending that will result in acquiring said title to all of the lands referred to in said Agreement.

Very truly yours,

N. Alex Bickley
City Attorney

NAB/w

JAN 17 1974

OFFICE OF THE CITY ATTORNEY CITY HALL DALLAS, TEXAS 75201 TELEPHONE 214/748-9711

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL MEN BY THESE PRESENTS:

THAT INDUSTRIAL PROPERTIES CORPORATION, a Texas Corporation, with its principal office and place of business at Dallas, Dallas County, Texas, acting by and through its President, John M. Stemmons, duly authorized to execute the herein conveyance, for and in consideration of the public purposes which are now and are to be performed and rendered by the City of Dallas, a municipal corporation, and as a gift to said City of Dallas for exclusively public purposes, has given, granted and confirmed and by these presents does give, grant and confirm unto the said City of Dallas, for use as public park and recreational purposes, all those certain tracts of land lying and being situated in the City and County of Dallas, Texas, and being more particularly described as follows:

BEING all lands owned by Industrial Properties Corporation, which lie within that portion of City and County of Dallas Levee Improvement District as shown on map bearing title: "District map, City and County of Dallas Levee Improvement District, and Dallas County Levee Improvement District No. 5, by Myers, Noyes and Forrest, District Engineers," and designated Exhibit "A" attached hereto and made a part hereof and which lands lie West of the East Toe of the East Levee and East of the West Toe of the West Levee, and containing approximately 930 acres.

TO HAVE AND TO HOLD the same unto the said The City of Dallas, upon the following terms and conditions:

I.

The said property shall be used for parks, open space, recreational, transportation facilities, including roadways on and adjacent to the levees, and such uses as are necessarily incident to the navigation channel, and all of which uses shall be generally consistent with the concept of the Coordinated Plan for Open Space Development of the

Trinity River System of the Dallas Park Board dated December, 1969 and adopted by the Park Board and approved by the City Council on March 9, 1970. The use of the lands shall be for public and public-related purposes consistent with the concept of such plan, and shall be under the control of the City of Dallas, provided that the City shall have the right to grant franchises and concessions incident to the operation of recreational facilities under the usual policy of the Park Board, and the right to enter into such agreements and grant such conveyances or easements as are necessary and incident to the navigation of the Trinity River.

By acceptance of this deed, the City of Dallas covenants and agrees that said lands shall never be used in any manner that will in any way interfere with the accomplishment of the purposes of Section 59, Article 16 of the Constitution of the State of Texas as amended, including the control, storing, preservation, and distribution of the storm sewers and flood waters of the Trinity River and the reclamation and drainage of lands lying within the boundaries of Dallas County Flood Control District as described in the said act creating said District or that will in any way interfere with the performance of or diminish the obligations of the City of Dallas to use, operate, maintain, improve, and repair all of the properties transferred and conveyed to said City to accomplish the purposes of Chapter 355, Acts of the 49th legislature, 1945, and to do any and all things necessary or convenient to control floodwaters and prevent damage to persons and property from the floodwaters of the Trinity River and its tributaries within the area under its control, or the obligations assumed by the City of Dallas to maintain and operate the improvements made by the United States Corps of Engineers in the Flood Control System.

All of said lands so acquired, including the lands described in Exhibit "A" attached hereto, shall be used for parks, open space, recreational, transportation facilities, including roadways on and adjacent to the levees, and such uses as are necessarily incident to the navigation channel, and all of which uses shall be generally consistent with the concept of the Coordinated Plan for Open Space Development of the Trinity River System of the Dallas Park Board dated December, 1969, and adopted by the Park Board and approved by the City Council on March 9, 1970. The use of the lands shall be for public and public-related purposes consistent with the concept of such plan, and shall be under the control of the City of Dallas, provided that the City shall have the right to grant franchises and concessions incident to the operation of recreational facilities under the usual policy of the Park Board, and the right to enter into such agreements and grant such conveyances or easements as are necessary and incident to other public uses and to the navigation of the Trinity River.

IT IS UNDERSTOOD AND AGREED, however, that said lands shall never be used in any manner that will in any way interfere with the accomplishment of the purposes of Section 59, Article 16, of the Constitution of the State of Texas, as amended, including the control, storing, preservation, and distribution of the storm waters and flood waters of the Trinity River and the reclamation and drainage of lands lying within the boundaries of said Dallas County Flood Control District, as described in said act creating said District, or that will in any way interfere with the performance of or diminish the obligations of the City of Dallas as set forth in contract dated September 6, 1968.

III.

IT IS UNDERSTOOD AND AGREED that in the event the City has not acquired title to or instituted suits in eminent domain to acquire title to and deposited the awards necessary to acquire possession of all lands situated in said floodway and within the City of Dallas by January 1, 1974, then Escrow Agent shall return the hereinabove described Deed to Industrial, and said Deed shall be of no force and effect. In the event City does acquire title to all of said lands within said floodway either by negotiation or eminent domain free and clear of any encumbrances except the floodage easements in favor of City and County of

C.4 Sec.
72-126

DEED RECORD

ESCROW AGREEMENT

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

This AGREEMENT this day entered into by and between Industrial Properties Corporation, of Dallas County, Texas, hereinafter called "Industrial", the City of Dallas, Texas, hereinafter called "City" and Dallas Title and Guaranty Company, of Dallas County, Texas, as escrow agent, hereinafter called "Escrow Agent",

WITNESSETH:

Industrial is the owner of certain lands being more particularly described in Exhibit "A" attached hereto and made a part hereof, all of which lands are situated within the floodway of Dallas County Flood Control District, the boundaries of which are described in the act creating said District (Acts of 49th Legislature, Chapter 335, Page 619), and all of which properties are subject to easements acquired by City and County of Dallas Levee Improvement District and to other easements heretofore granted and presently existing.

By instrument dated September 6, 1968, City and County of Dallas Levee Improvement District, Dallas County Levee Improvement District No. 5, and Dallas County Flood Control District transferred, assigned and conveyed all properties of whatsoever nature, both realty and personalty and belonging to said Districts, to the City of Dallas as to properties situated within the city limits of Dallas and to the City of Irving as to properties situated within the City of Irving, Texas, and such cities have assumed the obligations of such districts as to properties situated within the city limits of each of said cities, and in particular the City of Dallas has assumed the obligations to maintain the diversion channel and floodway of the Trinity River where the same lie within the city limits of the City of Dallas, Texas, all of which obligations are fully set forth in said instrument dated September 6, 1968.

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It is the desire of Industrial and of the City that all such lands situated within the floodway as above described be made available for parks, open space, recreational, and transportation facilities as set out below.

NOW, THEREFORE, IT IS HEREBY AGREED by and between Industrial, the City and the Escrow Agent as follows:

I.

Industrial has executed and has delivered to Escrow Agent a Deed without Warranty, conveying to City all of the lands described in Exhibit "A" attached hereto, subject to all easements heretofore granted or acquired over and across said lands and subject to the joint Plan of Reclamation heretofore adopted by City and County of Dallas Levee Improvement District and Dallas County Levee Improvement District No. 5, such conveyance conditioned, however, that said lands shall be used only for public purposes as hereinafter provided.

II.

City agrees to use its best efforts to acquire by gift, purchase or the exercise of the power of eminent domain the title to all other lands situated within the floodway and the lands upon which the levees have been constructed, situated within the boundaries of Dallas County Flood Control District as described in said act creating said District and that are presently within the city limits of the City of Dallas, Texas, and as shown on map bearing title:

DISTRICT MAP
City and County of Dallas
Levee Improvement District
and
Dallas County Levee
Improvement District No. 5

Myers, Noyes & Forrest
District Engineers

Morgan Engineering Co.
Consulting Engineers

Exhibit "B"

a print of which map is attached hereto and made a part hereof.

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II.

This conveyance is subject to easements heretofore acquired by City and County of Dallas Levee Improvement District and the use of said property by the City of Dallas, Texas for the above specified purposes shall be subservient to said easements and to the rights and privileges of City and County of Dallas Levee Improvement District, its successors and assigns, to overflow said lands and to do any and all other things necessary to control flood waters of the Trinity River. This conveyance is further subject to the joint Plan of Reclamation adopted by City and County of Dallas Levee Improvement District and Dallas County Levee Improvement District No. 5, and to all easements heretofore granted or acquired over, across or under said lands.

This conveyance is without warranty of title.

IN WITNESS WHEREOF, Industrial Properties Corporation has caused this instrument to be executed this 1st day of January, 1972.

INDUSTRIAL PROPERTIES CORPORATION

ATTEST: BY _____ President

_____ Secretary

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared JOHN M. STEMMONS, President of INDUSTRIAL PROPERTIES CORPORATION, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said INDUSTRIAL PROPERTIES CORPORATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 1st day of January, A. D., 1972

Jeanette F. Getchell
Notary Public in and for Dallas County, Texas
My Commission Expires: June 1, 1972

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Dallas Levee Improvement District and Dallas County Levee Improvement District No. 5 and other existing easements, and subject to Joint Plan of Reclamation of said Levee District, and Dallas County Levee Improvement District No. 5, then said Escrow Agent shall deliver said Deed to City.

IV.

The opinion of the City Attorney of the City that the City has acquired title to all of said lands, has suits pending that will result in acquiring said title, or has failed to acquire title to all of said lands by January 1, 1974, shall be conclusive upon the parties hereto.

IN WITNESS WHEREOF, this instrument has been executed this the 1st day of January, 1972.

ATTEST:

Secretary

INDUSTRIAL PROPERTIES CORPORATION

By

President

ATTEST:

City Secretary

CITY OF DALLAS, TEXAS

By W.D. McDaniel

City Manager

COUNTERSIGNED:

City Auditor

APPROVED AS TO FORM:

N. Alex Bickley

City Attorney

DALLAS TITLE COMPANY, Escrow Agent

By

President

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS,

COUNTY OF Dallas

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared John M. Stemmons, President of Industrial Properties Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Industrial Properties Corporation a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 28th day of January A. D. 19 74

(L.S.)

Notary Public in and for Dallas County, Texas.

The Gow Company, Publishers—Dallas

C.P.A.E. 74021 1482

All those certain tracts of land lying and being situated in the City and County of Dallas, Texas, and being more particularly described as follows:

BEING all lands owned by Industrial Properties Corporation, which lie within that portion of City and County of Dallas Levee Improvement District as shown on map bearing title: "District map, City and County of Dallas Levee Improvement District, and Dallas County Levee Improvement District No. 5, by Myers Noyes and Forrest, District Engineers," and designated Exhibit "A" attached hereto and made a part hereof and which lands lie West of the East Toe of the East Levee and East of the West Toe of the West Levee, and containing approximately 930 acres.

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EXHIBIT "A"

NORTH TEXAS TOLLWAY AUTHORITY

5900 W. Plano Parkway, Suite 100, Plano, TX 75093
P.O. Box 260729, Plano, TX 75026
214.461.2000 Fax 214.528.4826

January 29, 2003

Mr. Patrick A. Bauer, P.E.
District Engineer – Texas Division
Federal Highway Administration
Federal Office Building, Rm 826
300 East 8th Street
Austin, TX 78701

RE: Strategy for Development of the Trinity Parkway Draft Environmental Impact Statement (DEIS)

Dear Mr. Bauer:

The Trinity Parkway DEIS has been forwarded to the Environmental Affairs Division – TxDOT, and FHWA for an anticipated two to three month concurrent review. In advance of forwarding this DEIS for FHWA Atlanta review, we felt it prudent to provide you with a synopsis of the DEIS' developmental strategy for this regionally significant project. This Environmental Impact Statement is unique. It may ultimately address multiple objectives proposed by several agencies.

After several months of discussion, and with concurrence from FHWA Austin staff, the implementing agencies reached consensus on a developmental strategy:

1) From among the many competing objectives, identify the primary and secondary purpose and needs.
2) The Trinity Parkway DEIS will address the identified primary purpose & need - transportation. If the decision makers elect to recommend one of the transportation build alternatives, the attendant secondary purpose & needs will be addressed in subsequent environmental documents.
3) Tiering the decision making process, and the subsequent development of environmental documents as a function of these decisions, provides the decision makers with structure and a clearer understanding of the additive effect of their stepped-decisions with respect to the possible social, economic and environmental benefits, impacts, costs and associated mitigation measures.

As evidenced by the signatures below, this letter affirms the City of Dallas' (City), the US Army Corps of Engineers' (USACE) and the North Texas Tollway Authority's (NTTA) concordance in the proposed strategies for preparation of the Trinity Parkway Draft Environmental Impact Statement. These strategies were adopted due to the potential complexity and interrelated nature of the "reasonable and foreseeable actions" being considered by these agencies.

Major projects are being planned and developed within the Dallas Floodway reach of the Trinity River floodplain. The NTTA is planning and developing projects that are related to transportation. Three of the five transportation alternatives currently being evaluated by NTTA in the DEIS are located either within or along the Trinity River floodplain; these alternatives originated from TxDOT's Trinity Parkway Corridor Major Transportation Investment Study March 1998. Currently the City is assessing a series of recreational implementation strategies. One option proposes major recreational amenities within the Trinity River floodplain, including a system of lakes, parks and trails, which are articulated in the City's Trinity River Corridor, Master Implementation Plan December 1999. In addition, two concurrent studies are underway – one considers urban design elements; the other is evaluating the configuration, functionality, and operability issues of the floodway lakes. Depending upon the recommendation of a

transportation build alternative alignment, the USACE may be requested to consider flood damage reduction and ecosystem restoration projects along this same reach of the Trinity River. All of these potential projects are discussed conceptually in the USACE' Final Programmatic EIS for the Upper Trinity River Basin dated June 2000. The USACE is planning and developing projects that are related to flood damage reduction and ecosystem restoration. The projects being planned and developed by the NTTA, City of Dallas, and USACE have the potential for Federal funding.

Contained within the outline of each EIS strategy below is a description of potential projects, actions or documentation. Please note that as used here, "floodway alternative"' would mean the recommendation of one of these levee options: Split River, Split Landside or Combined Parkway alternative; "Industrial Alternative" means one of the alignments roughly following existing Industrial Boulevard, either the Industrial At-Grade or the Industrial Elevated option.

- Strategy Assuming that a Floodway Alternative is Recommended:

  Step 1. NTTA/ FHWA prepares the DEIS– primary Purpose & Need identified as transportation. Secondary purpose & needs identified –as flood damage reduction, ecosystem restoration and the City of Dallas' recreational amenities.

  After public hearings, the City of Dallas would declare a preferred alignment, and after this declaration the NTTA Board of Directors would recommend a preferred alignment. The City and NTTA would then formally request that USACE be a Cooperating Agency in the EIS process and initiate investigations as to participation in a multi-objective project, which includes transportation in the floodway. Prior to becoming a Cooperating Agency, the USACE must first determine a Federal (USACE) interest in participating in the project for the purposes of flood damage reduction, ecosystem restoration, and recreation.

  Step 2. Prepare Draft Supplemental EIS (DSEIS) - NTTA/FWHA would be "Lead Agency" with USACE as "Cooperating Agency". Preparation of the DSEIS is predicated on the recommendation of an alternative transportation alignment for the Trinity Parkway, which would be located within or adjacent to the floodway. The DSEIS would address those floodway impacts of the recommended Trinity Parkway alternative with respect to the functionality and operability of the lakes, water quality, flood damage reduction, environmental restoration and recreation that may be located within the existing Dallas Floodway, relative to floodway projects being planned and developed by USACE and the City of Dallas. The DSEIS would also address EO 11988 (longitudinal floodplain development), and in more complete fashion address Section 404, Section 10 and the Corridor Development Certificate (CDC) process.

  A second round of public hearings would be held to present these additional impacts and obtain public comment.

  Step 3. Prepare Final EIS - prepared by NTTA with contributions from USACE and City of Dallas-- addresses and responds to public comments received on DEIS and DSEIS.

  Step 4. Issue ROD – Two RODS to be signed by FHWA & USACE as Lead and Cooperating Agencies, respectively. Whether FHWA and USACE issue a joint ROD or independent RODs will be determined after additional consultation with legal staff from FHWA and USACE.

- Strategy Assuming an Industrial Boulevard Alternative is Recommended:

  Step 1. Same as strategy above, except no request would be made of the USACE to participate as a Cooperating Agency.

  Step 2. City of Dallas could request USACE to initiate evaluations of flood damage reduction, ecosystem restoration, and recreation within the floodway assuming that there would be no transportation corridor associated with the floodway area. The City's non-transportation related projects would be carried forward by the USACE in an EIS and ROD separate from the Trinity Parkway EIS.

  Step 3 – Prepare Final EIS – prepared by NTTA. Transportation ROD issued and signed by FHWA

- Strategy Assuming the No-Build Alternative is Recommended:

  Step 1. Environmental investigations by NTTA cease, pertinent study materials forwarded to the City of Dallas.

  Step 2. City of Dallas could request USACE to initiate evaluations of flood damage reduction, ecosystem restoration, and recreation within the floodway assuming that there would be no transportation corridor associated with the floodway area. These City of Dallas non-transportation related projects would be carried forward by the USACE in an EIS and ROD separate from the Trinity Parkway EIS.

Until a transportation alternative is identified and recommended for selection by FHWA, all Trinity River related projects by the City of Dallas and USACE within the existing Dallas Floodway will likely remain on hold, irrespective of the developmental strategy. If either an Industrial or No-Build Transportation alternative is recommended, the City could request participation by USACE who would pursue a separate EIS and ROD for its non-transportation related projects by tiering off the existing Upper Trinity River Programmatic Environmental Impact Statement.

Staff representatives from FHWA, EPA, USACE, NCTCOG, City of Dallas, and the Texas Department of Transportation participated in this strategy's formulation.

Endorsement of the EIS preparation strategies in no way commits or obligates any of the signatories to implementing any of the actions being considered, in whole or part.

If additional information or clarification is required, please contact:

City of Dallas – Greg Ajemian, P.E., 214.671.9504, gajemian@pbw.ci.dallas.tx.us

USACE – Gene Rice, P.E., 817.886.1374, gene.t.rice@swf02.usace.army.mil

NTTA - Christopher Anclerson, Planning Director, 214.461.2021, canderson@ntta.org.

Jill A. Jordan, P.E.	Michael J. Mocek, P.E.	Jerry Hiebert
Assistant City Manager	Deputy District Engineer	Executive Director
City of Dallas	U.S. Army Corps of Engineers	North Texas Tollway Authority
	Fort Worth District	

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March 5, 2004

VIA FEDERAL EXPRESS
Marcus N. Redford, P.E.
United States Coast Guard
Homeland Security
Chief, Bridge Administration Branch
Eighth Coast Guard District
Hale Boggs Federal Building
501 Magazine Street
New Orleans, LA 70130-3396

RE: Construction and Operation of the Trinity Parkway
Concurrence Regarding Exemption from Bridge Permitting Requirements

Dear Mr. Redford:

Please be informed we represent the North Texas Tollway Authority ("NTTA") in connection with construction and operation of the Trinity Parkway located in the City of Dallas, Dallas County, Texas. Certain alternatives under consideration for the Parkway involve the crossing of the Trinity River at various locations in Dallas County in the City of Dallas between its proposed northern terminus at IH-35E/SH 183 and the proposed southern terminus at US 175/SH 310. The Federal Highway Administration ("FHWA"), the Texas Department of Transportation ("TxDOT"), the NTTA and the City of Dallas are lead agencies and sponsors of the Trinity Parkway project.

NTTA, its consultants and counsel, have reviewed, *inter alia*, the Coast Guard regulations addressing bridge construction and navigable waters of the United States found at 33 C.F.R. § 115, those regulations concerning the definition of navigable waters of the United States including 33 C.F.R. § 329, and various provisions of the Rivers and Harbors Act of 1899 and the Clean Water Act. In addition, we have reviewed U.S. Coast Guard Bridge Permit Application Guide and *Bridge* Clearance Guide on the USCG website. Based on this investigation, and the criteria set forth in pertinent, statutory and regulatory authority, the Trinity River at this location appears to be a "navigable water of the United States." According to the Bridge Clearance Guidance, it also appears, however, that this portion of the Trinity River ordinarily receives the favorable consideration of exemption under the bridge permitting process. 33 CFR 1, Subchapter J-Bridges.

Alternatives 4 and 5 under consideration would include bridge construction crossing the main stem of the Trinity River. The alternatives would run just west of, and parallel to, Interstate 35-E in Dallas as it passes downtown. From downtown, the alternatives under consideration either follow the floodway or Industrial Blvd. until reaching the proposed south terminus at US 175/SH 310.

Seven alternatives are under consideration, including the following:

- Alternative 1 – No-Build
- Alternative 2A – Irving / Industrial Blvd. – Elevated
- Alternative 2B – Irving / Industrial Blvd. – At Grade
- Alternative 3A – Combined Parkway / Riverside (original)
- Alternative 3B – Combined Parkway / Riverside (modified)
- Alternative 4 – Split Parkway / Riverside
- Alternative 5 – Split Parkway / Landside

Alternatives 4 and 5 of the build alternatives would involve bridge construction across the Trinity. A related project of the City of Dallas may involve the construction of "signature bridges" across the Trinity. These signature bridges may be constructed, regardless of the Alternative selected by NTTA. In addition to FHWA participation, the construction of the project will involve federal assistance. Our preliminary investigation indicates the Trinity River at this location is non-tidal, and is not used and is not susceptible to use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce. It does not appear the main stem of the Trinity River is used by vessels greater than 21 feet in length. While the West Fork of the Trinity River has been designated by the U.S. Army Corps of Engineers as navigable, the main stem of the River does not include the West Fork. According to the Corps' Ft. Worth District, the navigable portion of the Trinity River is defined to be that portion "from the point of intersection of Houston, Madison and Walker counties upstream to Riverside Drive in Ft. Worth, Tarrant County, Texas." The Fort Worth District of the U.S. Army Corps of Engineers maintains a list of navigable waters that fall within the Fort Worth, Albuquerque, and Tulsa Districts. I have enclosed a copy of the Fort Worth District's list of navigable waters for your convenience.

As you may also recall, channelization of the Trinity River (known locally in Dallas as the "Trinity River Project") was authorized by the Rivers and Harbors Act of 1965, Public Law 89-289. The Trinity River Project, however, was never undertaken. Had it gone forward, the Trinity River Project would have included the construction of a commercially feasible, multi-purpose channel along the River from North Texas to the Houston Ship Channel. After passage of Public Law 89-289, the U.S. Congress restudied navigation features of the Trinity River

Project in an effort to confirm the economic feasibility of channelization. At that time, the studies demonstrated that channelization at any point upstream of Liberty, Texas (approximately 50-miles above the mouth of the River) was not economically feasible. In 1973, a local bond election to finance the multi-purpose channel was defeated. With the defeat in the bond election, the effort to develop the Trinity River into a navigable water ended.

In 1996, a TxDOT transportation project included reconstruction of an existing 4-lane section of the Corinth Street Bridge to a proposed 6-lane divided section. As a part of the project, TxDOT corresponded with the Coast Guard to confirm the project would be exempt from Coast Guard permitting. I have enclosed a copy of the Coast Guard's April 1, 1996 correspondence on this point. In that instance, the Coast Guard concurred that the Corinth Street Bridge construction project was exempt from U.S. Coast Guard navigational bridge permit requirements.

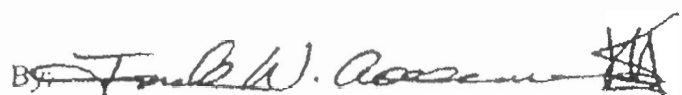
Based on the information set forth herein, we respectfully request a determination that the Trinity Parkway Project falls into an excluded category under the Surface Transportation Act ("STA"), § 144(h) of Title 23 of the U.S. Code. By reason of this provision, certain bridges – which are constructed, reconstructed, rehabilitated or replaced with federal assistance imposed under Title 23 of the U.S. Code – are not subject to the permitting requirements imposed under 33 U.S.C. § 401 and § 525(b), respectively. Additionally, we request that the proposed bridges be exempt from the U.S. Coast Guard lighting requirements because no vessel traffic transits the waterway nor do we have information that it will transit it in the future. Pursuant to Title 23 of the Code of Federal Regulations, Part 118, § 118.40(b) we respectfully submit the Trinity Parkway should be exempt from the requirement to provide bridge lighting for the structures as well.

Please contact me in writing to confirm the Trinity Parkway Project meets the subject criteria set forth above and is exempted from Coast Guard permitting requirements. Additionally, please confirm your concurrence that the proposed project will be exempt from the U.S. Coast Guard lighting requirements because no vessel traffic transits the waterway nor will transit it in the future.

Should you have any questions, please don't hesitate to contact me. We appreciate your attention to this matter.

Very truly yours,

LOCKE LIDDELL & SAPP LLP
Attorneys & Counselors

By: 
Frederick W. Addison, III

FWA:kp
Enclosure

DALLAS 67318:65146 1259812v1

cc: Chris Anderson
Frank Stevenson
Martin Malloy

U.S. Department of Transportation
United States Coast Guard

Commander
Eighth Coast Guard District
Hale Boggs Federal Building

501 Magazine Street
New Orleans, LA 70130-3396
Staff Symbol: (obs)
Phone: (504) 589-2965

16591D
April 1, 1996

Mr. Charles R. Tucker
Director of Transportation
Texas Department of Transportation
P. O. Box 3067
Dallas, Texas 75221-3067

Dear Mr. Tucker:

This is in reference to your letter dated March 19, 1996, with attachments, regarding the proposed reconstruction of the existing four-lane section of Corinth Street, which crosses the Trinity River, mile 498.3 at Dallas, Dallas County, Texas, to accommodate a six-lane section.

In a letter received by this office from the Federal Highway Administration (FHWA) dated March 22, 1996, a determination was made by FHWA that the proposed bridge modification project should be exempt from Coast Guard permit requirements. This determination is based on the fact that federal funds will be utilized in the project and because the waterway is not used and is not susceptible to use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce and that the waterway is not tidal.

By the conditions stated above, this bridge falls into an excluded category under the Surface Transportation (STA) Act. Section 144(h) of Title 23 U.S. Code was enacted in 1978 to reduce paperwork and related costs in the execution of the Coast Guard's bridge permit programs. This section has been amended by the Act of April 2, 1987 (Public Law 110-17), to further reduce paperwork and related costs in the permitting of bridges funded by this ACT. By reason of this provision, certain bridges -- which are constructed, reconstructed, rehabilitated or replaced with federal assistance imposed under Title 23 U.S. Code -- are no longer subject to the permitting requirements imposed under 33 U.S.C. 401 and 525(b). The bridges which fall into this excluded category are those that cross waterways:

(1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

(2) which are: nontidal; or if tidal, used by vessels less than 21 feet in length.

( ) Dist. Engr.
( ) Asst. Dist. Engr.
( )
( )
( ) Action
( ) Advise
Tucker CRT
HALL 2nd

EXHIBIT D
NAVIGATIONAL CLEARANCE
RELATED CORRESPONDENCE, CONT.

Since FHWA has the responsibility for the STA Act, the Coast Guard accepts this determination that the bridge project meets the criteria and is exempted for Coast Guard Bridge Administration purposes.

You have requested that the proposed bridge be exempt from the U.S. Coast Guard lighting requirements because no vessel traffic transits the waterway nor will transit it in the future. Pursuant to Title 33 of the Code of Federal Regulations, Part 118, Section 118.40 (b), you are hereby exempt from the requirement to provide bridge lighting for this structure.

This determination does not relieve you of your responsibility to obtain appropriate permits from any other federal or state and local agency having jurisdiction in this matter.

Sincerely,

John Wachter

JOHN WACHTER
Chief, Bridge Administration Branch
By direction of the Commander
Eighth Coast Guard District

Copy: Mr. Tamer A. Ahmed, FHWA, Austin, TX

EXHIBIT D
NAVIGATIONAL CLEARANCE
RELATED CORRESPONDENCE, CONT.

US Army Corps of Engineers
Fort Worth District

Navigable Waters of the United States in the Fort Worth, Albuquerque, and Tulsa Districts Within the State of Texas

March 20, 1999

For purposes of Section 10 of the Rivers and Harbors Act of 1899, navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently being used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce (33 CFR 329.4). Navigable waters include lakes and other on-channel impoundments of navigable rivers. Under Section 10, the U.S. Army Corps of Engineers (USACE) regulates any work in or affecting navigable waters of the United States. The following waters are considered to be navigable waters of the United States and thus fall within the jurisdiction of the USACE in the Fort Worth, Albuquerque, and Tulsa districts. Navigable waters in the Galveston District are determined on a case-by-case basis and, therefore, are not included in this list. The USACE district(s) within which these navigable waters lie are indicated as: SWF (Fort Worth District), SWT (Tulsa District), and SPA (Albuquerque District).

Angelina River:	From Sam Rayburn Dam in Jasper County upstream to U.S. Highway 59 in Nacogdoches and Angelina counties and all USACE lands associated with B.A. Steinhagen Lake in Jasper and Tyler counties, Texas. [SWF]
Big Cypress Bayou:	From the Texas-Louisiana state line in Marion County, Texas, upstream to Ellison Creek Reservoir in Morris County, Texas. [SWF]
Brazos River:	From the point of intersection of Grimes, Waller, and Washington counties upstream to Whitney Dam in Hill and Bosque counties, Texas. [SWF]
Colorado River:	From the Bastrop-Fayette county line upstream to Longhorn Dam in Travis County, Texas. [SWF]
Neches River:	USACE lands associated with B.A. Steinhagen Lake in Jasper and Tyler counties, Texas. [SWF]
Red River:	From the U.S. Highway 71 bridge at the Texas-Arkansas state line upstream to the Oklahoma-Arkansas state line and from Denison Dam on Lake Texoma upstream to Warrens Bend, approximately 7.25 miles north-northeast of Marysville, in Cooke County, Texas. [SWT]
Rio Grande:	From the Zapata-Webb county line upstream to the point of intersection of the Texas-New Mexico state line and Mexico. [SWF, SPA]
Sabine River:	From the point of intersection of the Sabine-Vernon parish line in Louisiana with Newton County, Texas upstream to the Sabine River-Big Sandy Creek confluence in Upshur County, Texas. [SWF]
Sulphur River:	From the Texas-Arkansas state line upstream to Wright Patman Dam in Cass and Bowie counties, Texas. [SWF]
Trinity River:	From the point of intersection of Houston, Madison, and Walker counties upstream to Riverside Drive in Fort Worth, Tarrant County, Texas. [SWF]

LOCKE LIDDELL & SAPP LLP

ATTORNEYS & COUNSELORS

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April 14, 2004

John R. Hoffman
Vice President - Environmental Scientist
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225-4292

RE: Trinity Parkway Alternative Alignments – City of Dallas Review of Possible 4(f) Applicability

Dear John:

Enclosed please find a copy of the City of Dallas letter confirming the Trinity Parkway Alternatives currently under consideration will not have Section 4(f) implications. I have retained the original in my files. As you know, Section 4(f) is not implicated because of the transportation corridor reservation found within the Stemmons deed and the escrow agreement for the other properties within the flood plain. I understand Halff will be using this letter in connection with the DEIS currently being circulated to TxDOT and FHWA.

Please give me a call with any questions.

Very truly yours,

LOCKE LIDDELL & SAPP LLP
Attorneys & Counselors

By: Frederick W. Addison, III

FWA:kp
Enclosure

cc (w/ encl.): Chris Anderson
Frank Stevenson

CITY OF DALLAS

April 7, 2004

Mr. Frederick W. Addison, III
Locke Liddell & Sapp, LLP
2200 Ross Avenue
Suite 2200
Dallas, Texas 75201-6776

RE: Trinity Parkway Alternative Alignments—Review of Possible 4(f) Applicability

Dear Mr. Addison:

I am in receipt of your March 8, 2004 letter requesting the City of Dallas Park and Recreation Department's evaluation of the Section 4(f) applicability to the Trinity Parkway alternative alignments on behalf of the North Texas Tollway Authority. I apologize for my late response.

I have reviewed the latest Parkway alternatives as presented in the packet attached to your letter. It appears that the only park land that the alignments will touch is the Trinity River Park. The Trinity River Park consists of land that was donated by John Stemmons and additional land that was purchased by the City, as required by Mr. Stemmons as a condition of his donation. The original deed records, including the escrow agreement, clearly indicates that the donated property and the additional property that was purchased, is to be used for "parks, open space, recreational, transportation facilities, including roadways on and adjacent to the levees, and such uses as are necessarily incident to the navigation channel". The proposed use of the land for the Trinity Parkway is in compliance with the use criteria. It is therefore my opinion that the proposed Trinity Parkway project is not subject to the Section 4(f) requirements as it pertains to the Trinity River Park. If the alignments change and impact any other park land, such as nearby Moore Park and Rochester Park, Section 4(f) review would be in order.

Please feel free to contact me directly at 214-670-4103 should you need additional information.

Sincerely,

Michael Hellmann, Sr. Park Planner
City of Dallas
Park and Recreation Department
Mhellma@ci.dallas.tx.us

C: Dave Strueber
Leong Lim
Rebecca Dugger, Trinity River Office—6BS
Mary Ayala, Trinity River Office—6BS

Halff Associates

8616 NORTHWEST PLAZA DRIVE
DALLAS, TEXAS 75225
(214) 346-6200
FAX (214) 739-0095

June 2, 2004
AVO 17826

Mr. Michael Hellmann, Sr.
Senior Park Planner
Park and Recreation Department
City Hall
City of Dallas
1500 Marilla, Room 6FN
Dallas, TX 75201

RE: Section 4(f) - Applicability Request Concerning Publicly Owned Lands and Existing and Proposed Trails within the Study Area of the Proposed Trinity Parkway in Dallas, Texas

Dear Mr. Hellmann:

Thank you for your letter dated April 7, 2004 to Mr. Rick Addison of Locke, Liddell and Sapp, LLP. His letter (March 8, 2004) was requesting the City of Dallas' evaluation of the Section 4(f) applicability to the Trinity Parkway alternative alignments within the Dallas Floodway/Trinity River Park. Your letter referenced the John Stemmons deed which indicated that the donated property and the additional property that was purchased, is to be used for "parks, open space, recreational, transportation facilities, including roadways on and adjacent to the levees, and such uses as are necessarily incident to the navigation channel." Your letter stated "It is therefore my opinion that the proposed Trinity Parkway project is not subject to the Section 4(f) requirements as it pertains to the Trinity River Park. If the alignments change and impact any other parkland, such as nearby Moore Park and Rochester Park, Section 4(f) review would be in order."

On May 10, 2004 the North Texas Tollway Authority (NTTA) and Halff Associates, Inc. (Halff) received review comments on the March 2004 version of the Draft Environmental Impact Statement (DEIS) for the Trinity Parkway from TxDOT-ENV and FHWA-Austin. Several of the comments refer to Section 4(f) issues.

Listed below are comments that I need your assistance in addressing.

1. In the latest DEIS, Calypso Park had been removed based on updated information you provided us. Please confirm that Calypso Park is land owned by the Dallas Housing Authority (DHA) and was leased to the Dallas Park and Recreation Department. Confirm that the lease expired and DHA has decided to develop the property for other non-park uses.

2. We added the "Unnamed Park" to our existing and proposed park inventory table and showed it's location on a map. You had indicated that this property was owned by the Dallas Parks Department but it is not classified as a park. FHWA is asking "why isn't the unnamed park a 4(f)?" Please confirm that the site is not an existing or planned park.

3. FHWA's comment "We need additional information (deeds were requested earlier, but never furnished) on all proposed parks within the study area to make a defensible Section 4(f) determination for each property that is potential 4(f)."

Enclosed are two tables from the DEIS - Table 3-11 Existing Parks and Recreational Areas and Table 4-32 Potential Impacts on Parks and Recreational Areas and Figure 3-15 showing the existing and proposed parks in the study area with the various Trinity Parkway alignments overlaid on an aerial image. Halff is in the process of compiling the deeds for the Dallas Floodway (Trinity River Park). Our request to the Dallas Park and Recreation Department is to make a Section 4(f) Applicability Determination for each of the existing and proposed parks within the study area. Please confirm that the identified existing parks in the study area are publicly-owned parks significant for recreation purposes and that the City has determined that the proposed project alternatives would not have negative impacts to the park(s). Also, please confirm that the City has determined that the project alternatives would not have negative impacts to any proposed park in the study area because of distance away or concurrent planning.

4. The first three questions were from FHWA and this question is from TxDOT-ENV which is very similar to Question 3, but also asks for Section 4(f) determination for proposed trails. The question is "NTTA needs to submit a letter to FHWA through TxDOT requesting a determination that Section 4(f) does or does not apply for all the parks and proposed trails within the Trinity Parkway project area. Once FHWA's determination is received, a copy of it needs to be included in the DEIS." Enclosed is Table 3-12 Proposed Trails within the Study Area and an aerial map illustrating all the existing and proposed trails in the study area. Our request to the Dallas Parks and Recreation Department is to make a Section 4(f) Applicability Determination for each of the trails. Please confirm that the City has determined that the project alternatives would not have negative impacts to existing trails or proposed trails in the study area because of distance away or concurrent planning.

Please review the enclosed information. We would appreciate your response to these questions and to present your determination as to whether our not the proposed Trinity Parkway alternatives would involve Section 4(f) with the parks and trails planned within the study area.

You may contact me at (214) 346-6390 should you need additional information in making the 4(f) determination. We appreciate your assistance in this matter.

Sincerely,
HALFF ASSOCIATES, INC.

David S. Morgan

David S. Morgan, Vice President
Environmental Scientist

DSM:sps

Halff Associates

Enclosure

C: Mr. Christopher Anderson - North Texas Tollway Authority
Mr. Rick Addison, - Locke, Liddell, and Sapp

TABLE 3-11. EXISTING PARKS AND RECREATIONAL AREAS

Plate ID	Name	Location	Property Owner	Acres	Function/Usage	§4(f)	§6(f)
1	Sleepy Hollow Park	1200 Sleepy Hollow Lane	PARD	0.62	Neighborhood park with picnic, swimming pool, playground, and multi-use court facilities.	Yes	No
2	Pegasus Park	3000 Pegasus Park Drive	PARD	7.41	Urban open space park with no recreational facilities.	Yes	No
3	Un-named parkland	Along the Old West Fork Channel between Hampton Road and Highland Park landfill	PARD	±1.0	Owned by the City of Dallas PARD, but not a designated existing or proposed park. Urban open space land with no recreational facilities.	No	No
4	Trinity River Greenbelt Park (Identified as "Trinity Park" within the limits of the Dallas Floodway)	From Northwest Highway to AT&SF Rail-road Bridge	PARD	3,652	Urban open space park with 177 water acres and two soccer fields. Majority extends beyond study corridor boundaries. The Dallas Floodway encompasses approximately 2000 acres of this park (Trinity Park). A special feature is Crow Lake located adjacent to the south of Sylvan Avenue. The lake area includes sculptures, a volleyball court, and a 0.66-mile walking trail.	No	No
5	Nash/Davis Park	3700 N. Hampton	PARD	11.91	Community park with a community recreation center. Includes picnic, swimming pool, tennis, sandlot ball field, softball field, playground, and multi-use court facilities. The park is shared with Carr Elementary School. Extends beyond study area boundaries.	Yes	No
6	Bickers Park	1400 Bickers	DHA	2.89	Neighborhood park with softball field, playground, and multi-use court facilities.	Yes	No
7	Shaw Park	3600 Ladd Street	PARD	0.11	Neighborhood park with no recreational facilities.	Yes	No
8	Benito Juarez Park	3352 N. Winnetka	PARD	6.10	Neighborhood park with soccer field and picnic facilities. Extends beyond study area boundaries.	Yes	No
9	Hattie R. Moore Park	3212 N. Winnetka	PARD	3.66	Community park with a community recreation center. Includes picnic, tennis, play- fields, playground, and multi-use court facilities. Park shared with DeZavala Elementary School.	Yes	No
10	Pueblo Park	3226 Bataan Street	PARD	0.55	Neighborhood park with picnic, playground, and multi-use court facilities.	Yes	No
11	Oak Cliff Founders Park	1300 North Zang	PARD	16.11	Urban open space park with 0.25-mile hike/bike trail. Extends beyond study area boundaries.	Yes	No
12	Eloise Lundy Park	1200-1229 Sabine	PARD	3.38	Community park with a community recreation center. Includes picnic, swimming pool, tennis, softball field, playground, and multi-use court facilities.	Yes	No
13	Moore Park	1900 E. Eighth Street	PARD	24.46	Community park with picnic, tennis, baseball and sandlot ball field, playground, swimming pool, and multi-use field and court facilities.	Yes	No
14	Rochester Park	3000 Rochester	PARD	983.28	Regional park with natural areas and trails. Includes playground, picnic, softball, football, soccer, and multi-use court facilities. Special features include a lake and fishing piers. Majority extends beyond study area boundaries.	Yes	Yes
15	Forest Park	2906 Parnell	PARD	2.40	Neighborhood park with picnic, swimming pool, playground, and multi-use court facilities.	Yes	No

Sources: City of Dallas PARD 1997, 1999.
Notes: Plate ID Numbers correspond to the locations shown on **Plate 3-15**.
PARD = Park and Recreation Department (City of Dallas)
DHA = Dallas Housing Authority

TABLE 3-12. PROPOSED TRAILS WITHIN THE STUDY AREA

Proposed Trail	Description	Type/Function	Trails Linked	Comments
Trinity Park Trail	Follows south side of river in floodway to the Great Trinity Forest. Extends beyond study area boundaries.	Hike and Multi-Use	Links to trail system in floodway and Great Trinity Forest.	Hard surface, off street.
Bernal/Canada Drive Trail	From existing Bernal Trail along old West Fork meanders in Oak Cliff to Dallas Floodway. Extends beyond study area boundaries.	Hike and Bike	Links with Cockrell Hill Trail and with trail system in floodway.	Hard surface, off street.
Old Trinity Trail	Follows old river channel meanders near and across IH-35 E and Industrial. Extends beyond study area boundaries.	Hike and Bike	Cockrell Hill, Turtle Creek, and Katy Trails (outside of study corridor).	-Hard surface, off street. -Friends of Old Trinity Trail, a local non-profit organization, has been active in helping establish phase 1 of this trail.
Coombs Creek Trail	Originates from Oak Cliff and merges with Great Trinity Trail near Houston and Jefferson Viaducts. Terminates at Trestle Trail junction. Extends beyond study area boundaries.	Hike and Bike	Links with trail system in floodway.	Hard surface, off street.
Continental Avenue Pedestrian Bridge	Conversion of existing bridge from vehicular use to pedestrian use only.	Pedestrian with bicycle access at north and south ends.	Links with trail system in floodway.	-Hard surface, off street. -Provides access to proposed central community park and to large civic lake area.
Trestle Tail	Follows the DART ROW east of the Trinity then crosses the river on the Old AT&SF Railroad Bridge into Oak Cliff. Extends beyond study area boundaries.	Hike and Bike	Links with trail systems in floodway and Great Trinity Forest.	-Hard surface, off street. -Part of Veloweb. -Projected to be region's second most highly used commuter trail.
Great Trinity Trail	Follows along floodway from confluence to the Great Trinity Forest. Extends beyond study area boundaries.	Includes a network of trails/access points in the floodway for numerous user groups – walkers, bicyclists, skaters, equestrians, and canoeists.	Links with trail systems in floodway and Great Trinity Forest. Also, Cockrell Hill, Coombs Creek, Katy, Trestle, and Bernal/Canada Drive Trails.	-Hard surface, off street. -Part of Veloweb.
Katy Trail (south extension)	Follows Houston Street south to Oak Cliff across the Houston Street Viaduct. Extends beyond study area boundaries.	Hike and Bike	Links with trail system in floodway.	-Hard surface, off street. -Part of Veloweb. -Projected to be region's most highly used commuter trail.
Cockrell Hill Trail	From south side of Trinity River near Hampton Road through West Dallas to Cockrell Hill community. Extends beyond study area boundaries.	Hike and Bike	Links with trail system in floodway.	Hard surface, off street.
Trinity River	Follows river channel. Extends beyond study area boundaries.	Water trail for canoes/kayaks	Links with Elm/West Forks, and other water bodies outside of study corridor.	Proposed canoe access sites at Sylvan, Corinth, and IH-45.
Dallas Floodway - Soft-Surface Trails	Located in areas with little tree cover on the west or south side of the river away from pedestrian areas.	Equestrian and Bike	Links with trail system in floodway and Great Trinity Forest.	Proposed 30-horse equestrian center in floodway near Houston/ Jefferson Viaducts.

TABLE 3-12. PROPOSED TRAILS WITHIN THE STUDY AREA

Proposed Trail	Description	Type/Function	Trails Linked	Comments
Great Trinity Forest - Soft-Surface Trails	Located in DFE area along river and proposed chain-of wetlands. Extends beyond study area boundaries.	Equestrian, Nature, and Bike	Links with trail system in floodway and Great Trinity Forest.	Proposed 50-horse equestrian center near Loop 12.
Dallas Floodway – Levee Top Trails				
Stemmons Trail	From Westmoreland to Commerce (east levee)	Pedestrian	Links to proposed levee top promenades and trail system in floodway.	Hard surface, off street.
West Dallas Trail	From Westmoreland to Commerce (west levee)	Pedestrian	Links to proposed levee top promenades and trail system in floodway.	Hard surface, off street.
Cedars Trail	From IH-35E to Corinth (east levee)	Pedestrian	Links to proposed levee top promenades and trail system in floodway.	Hard surface, off street.
Bottoms to Corinth	From IH-35E to Corinth (west levee)	Pedestrian	Links to proposed levee top promenades and trail system in floodway.	Hard surface, off street.
Sources: City of Dallas 1999b; Dallas County Commissioners Court 1997. **Note**: Proposed trails include proposed, endorsed, and sponsored trails.				

TABLE 4-32. POTENTIAL IMPACTS ON PARKS AND RECREATIONAL AREAS

Plate ID Number	Site Description	Trinity Parkway Build Alternatives					
		2A	**2B**	**3A**	**3B**	**4**	**5**
1	Sleepy Hollow Park (Existing)	P, N, V	P, N, V	P, N, V	P, N, V	P, N, V	P, N, V
	Closest Distance to/from Build Alternative	720 feet (0.14 miles)	720 feet (0.14 miles)	720 feet (0.14 miles)	720 feet (0.14 miles)	720 feet (0.14 miles)	720 feet (0.14 miles)
4	Trinity River Greenbelt Park (Existing)	P, V	P, V	R (171) P, V	R (152) P, V	R (205) P, V	R (14) P, V
	Closest Distance to/from Alternative	Adjacent to park at AT&SF RR Bridge	Adjacent to park at AT&SF RR Bridge	Encroaches within park	Encroaches within park	Encroaches within park	Encroaches within park
11	Oak Cliff Founders Park (Existing)	---	---	---	---	P, N, V	P, N, V
	Closest Distance to/from Alternative	2,880 feet (0.55 miles)	2,400 feet (0.45 miles)	1,980 feet (0.38 miles)	1,980 feet (0.38 miles)	300 feet (0.06 miles)	240 feet (0.05 miles)
13	Moore Park (Existing)	---	---	---	---	P, V	P, V
	Closest Distance to/from Alternative	2,520 feet (0.48 miles)	2,520 feet (0.48 miles)	1,980 feet (0.38 miles)	1,980 feet (0.38 miles)	1,980 feet (0.38 miles)	2,400 feet (0.45 miles)
18	Great Trinity Forest Park (Planned)	P, V	P, V	P, V	P, V	P, V	P, V
	Closest Distance to/from Alternative	Adjacent to park at AT&SF RR Bridge	Adjacent to park at AT&SF RR Bridge	Adjacent to park at AT&SF RR Bridge	Adjacent to park at AT&SF RR Bridge	Adjacent to park at AT&SF RR Bridge	Adjacent to park at AT&SF RR Bridge

Key to Terms: **R** = right-of-way acquisition anticipated (estimated number of acres shown in parentheses) (see **Section 4.1.2**); **P** = proximity effects; **N** = noise impact (see **Section 4.15**); **V** = visual intrusion (see **Section 4.16**); **>** = greater than the quantity shown; **---** = no impact anticipated.

Notes: All distances shown in feet (miles). Calculated distances/areas are estimates only.
Plate ID numbers correspond to the locations shown on **Plate 3-15 (Chapter 3)** and **Plate 4-7 (Chapter 4)**.
Visual intrusion is generally considered to be the introduction of the highway facility into an area where none existed previously.

CITY OF DALLAS

July 23, 2004

Mr. David Morgan
Halff Associates
8816 Northwest Plaza Drive
Dallas, Texas 75225

RE: Section 4(f)—Applicability Request Concerning Publicly Owned Lands and Existing and Proposed Trails Within the Study Area of the Proposed Trinity Parkway in Dallas, Texas

Dear Mr. Morgan:

I have received your June 2, 2004 requesting further information regarding the above referenced subject pertaining to additional questions you have received from the NTTA and the FHWA. I will attempt to address your questions in the order you have asked in your letter.

1. You have asked about the status of Calypso Park. Calypso Park was a 4.7-acre piece of land that was part of a master lease agreement, covering multiple other sites, with the Dallas Housing Authority. The Dallas Housing Authority exercised their right to terminate a portion of the master lease. As such, Calypso Park is no longer used as a city park and is in control of the Dallas Housing Authority.

2. You have asked about the status of the unnamed park land near the Old Trinity Meanders. This is essentially a drainage sump. Although there is no name or active use of the property, it is dedicated park land. There are no formal plans for the use of this property at this time. However, due to its location to the Old Trinity Meanders, it will probably be used, eventually, as part of the Old Trinity Trail Project.

3. You have asked me to make a 4(f) determination of existing and proposed parks in your study area. The identified existing parks in your study area are city owned parks and are significant for recreation purposes. As stated in my previous letters, it is my opinion that the proposed parkway project alternatives will not have a negative impact to any existing park in the study area. The only existing park that seems to be impacted is the Trinity River Park, which is allowable for recreation, flood control, and transportation uses as specified by the John Stemmons deed and conditions set therein. The Trinity Parkway fits into this criteria.

   There are two proposed parks that have been identified in the study area. Both are existing city property, but are not currently dedicated park land. One is the Old Trinity Meanders Channel. This will be the location of the

Old Trinity Trail. A master plan for this trail has been completed. The proposed trail will connect to the East Floodway Levee at Sump B, located just west of Sylvan Avenue.

The other proposed park in the study area is identified in the recently adopted Downtown Parks Master Plan. This proposed park is called the "Reunion Gateway." This is a proposed landscape area that surrounds the edge of downtown at Reunion Arena. I do not believe that any of the proposed project alternatives will have a negative impact in this proposed park.

4. You have asked for a 4(f) determination pertaining to proposed trails in the study area. All of the proposed trails listed in Table 3-12 in your letter should not be negatively effected due to concurrent planning initiatives. It is anticipated that the final design of the Trinity Parkway will accommodate all proposed trail connections to the Trinity Park and Levee System. The Trinity Parkway project could enhance access opportunities to proposed trails. One of the goals for the Trinity project as a whole is to improve access to existing and proposed recreational opportunities.

I hope this information is helpful. Please feel free to contact me at 214-670-4103 should you have any questions.

Sincerely,

Michael E. Hellmann

Michael Hellmann, Sr. Park Planner
Park and Recreation Department
Mhellma@ci.dallas.tx.us

CITY OF DALLAS

October 19, 2004

Mr. David Morgan
Halff Associates
8616 Northwest Plaza Drive
Dallas, Texas 75225

RE: Section 4(f) applicability request concerning property located in the Trinity Parkway study area near the old confluence of the Elm Fork and West Fork of the Trinity River in the City of Dallas, Texas

Dear Mr. Morgan:

I have received your October 12, 2004 letter requesting my response concerning the additional property ownership information you provided concerning the above-described portion of the Trinity Parkway study area. You have asked for my concurrence that the subject property situated in what has been previously described as dedicated parkland (i.e., unnamed parkland) owned by the City of Dallas is in fact under private ownership.

I was curious to understand why we had this property in our inventory. After much research, it has been determined that this piece of property was dedicated as a "public use easement." It seems that the public use easement is for a drainage sump purpose and not for park purposes. It was added to the park land inventory in error. Based on this information, the subject property has been removed from our park land inventory and therefore, is not subject to the provisions of Section 4 (f).

This letter serves to clarify the comments made in my letter dated July 24, 2004. I hope this information is helpful. Please feel free to contact me at 214-670-4103 should you have any questions.

Sincerely,

Michael Hellmann

Michael Hellmann, Sr. Park Planner
Park and Recreation Department
Michael.hellmann@dallascityhall.com

NTTA
NORTH TEXAS TOLLWAY AUTHORITY

5900 W. Plano Parkway, Suite 100, Plano, TX 75093
P.O. Box 260729, Plano, TX 75026
214.461.2000 Fax 214.528.4826

May 10, 2005

Mr. Michael J. Mocek, P.E. Deputy District Engineer
US Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

RE: Trinity Parkway Draft EIS
April 20, 2005 Transmittal of USACE Comments

Dear Mr. Mocek:

Thank you for your April 20, 2005 letter transmitting Fort Worth District written comments on the Draft EIS for Trinity Parkway. NTTA appreciates the time and care which went into the District review of the Parkway DEIS. We also would like to thank Fort Worth District staff for the ongoing collaboration with NTTA on the Trinity Parkway project and related projects in the Parkway Corridor.

Subsequent to the March 29, 2005 Public Hearing for the Parkway DEIS, the Dallas City Council on April 13 affirmed support for the proposed Trinity Parkway project, and recommended Alternative Alignment 3B, Combined Parkway - Modified as the locally preferred alignment. On April 20, The NTTA Board of Directors similarly recommended Alternative 3B as the locally-preferred alternative. Both of these actions are interim, since identification of a preferred alternative is expected to follow steps outlined in the January 29, 2003 Strategy for Development of the Trinity Parkway Draft Environmental Impact Statement (attached). Final endorsement of a preferred alternative would not occur until after full review of supplemental USACE environmental studies for related Dallas Floodway actions, which may be a part of the subsequent NEPA documentation for the Trinity Parkway.

Your April 20, 2005 letter requests information on the location of mitigation features related to Trinity Parkway so that Fort Worth District can begin plan formulation and preparation of a supplement to the Trinity Parkway DEIS. We have reviewed the "Baseline" hydraulic model prepared on behalf of the City of Dallas by the firm CDM, and discussed with Gene Rice and David Wilson of USACE at a meeting at the Fort Worth District Office on April 14. This model is intended to depict an interim excavation and embankment plan, sufficient to support construction of the Trinity Parkway embankments. Related to this plan, we wish to transmit the following drawings:

- Figure 1. This is a map of the Baseline model. We have identified nine borrow sites ("A"-"T") that NTTA would intend to use to produce sufficient earth fill to construct the Trinity Parkway Embankments for the Riverside Alternatives 3A (Combined Original), 3B (Combined Modified) and 4 (Split Riverside). We are assuming that the other DEIS Alternatives 2A (Industrial Elevated), 2B (Industrial At-Grade) and 5 (Split Landside) would not require borrow of embankment fill from the Floodway.

- Figure 2 - This figure overlays borrow sites A-I on the latest jurisdictional waters determination for the Dallas Floodway. This delineation was submitted on April 19, 2005 and is currently under review by USACE Fort Worth District. The figure also shows the embankment area ("Z") needed for the Combined Parkway Alternatives 3A and 3B.
- Figure 3 - This figure similarly shows borrow sites A-I and embankment areas X, Y and Z needed for the Split Parkway Riverside Alternative 4.

Comments on Combined Parkways (Alts 3A, 3B): The Combined Parkway embankment totals 5,000,000 cubic yards, exclusive of shrinkage. (This is assumed to be the same for Alts 3B and 3B.) The calculated volume assumes filling the new embankment up to the road level, and includes additional fill required to offset the road embankment approximately 24 feet from the riverside face of the levee to allow for a future levee raise. The following table summarizes the borrow site volumes and the impacts on waters of the U.S.:

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
A	21.0	8.0	251,000	5.0
B	26.3	8.0	319,000	1.0
C	73.2	13.0	1,404,000	6.7
D	92.3	14.0	1,856,000	2.9
E	14.5	25.0	324,000	4.5
F	27.4	14.0	476,000	2.9
G	15.3	12.0	233,000	4.8
H	8.0	12.0	116,000	0.0
I	28.2	14.0	497,000	0.2
Z	152.0	-	Embankment	17.5
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Comments on Split Parkway Riverside (Alt 4): The Split Parkway Riverside embankment totals 5,700,000 cubic yards, exclusive of shrinkage, and includes a similar 24-foot offset to both east and west levees to allow for a future levee raise. The following table summarizes the borrow site volumes and the impacts on waters of the U.S.:

Borrow Site (Embankment)	Footprint Area (Ac)	Assumed Depth (Ft)	Borrow Site Volume (CY)	Wetland Impacted (Ac)
A	21.0	13.0	398,000	5.0
B	26.3	13.0	506,000	1.0
C	73.2	15.0	1,604,000	6.7
D	92.3	14.0	1,856,000	2.9
E	14.5	25.0	324,000	4.5
F	27.4	14.0	476,000	2.9
G	15.3	12.0	233,000	4.8
H	8.0	12.0	116,000	0.0
I	28.2	14.0	497,000	0.2
X	60.0		Embankment	9.1
Y	13.3		Embankment	0.2
Z	102.4		Embankment	7.8
Total	482.0		6,010,000	45.1

Figures 4 and 4A show a proposed wetland mitigation area located between Hampton and Westmoreland Roads and identified as the "Hamptons Wetland" in the City of Dallas Balanced Vision Plan. The site as outlined contains approximately 110 acres of land area with very little existing wetlands. Based on the tables above, NTTA proposes to provide replacement wetlands within this identified area, being 45.5 acres of new constructed wetlands to replace the impacts of Combined Parkway Alternatives 3A and 3B, and 45.1 acres of new constructed wetlands to replace the impacts of Split Parkway Riverside Alternative 4.

The proposed wetland mitigation area will be designed to provide the same type of functions and values as exist in the wetlands being impacted by the Trinity Parkway. A refined wetland mitigation plan will be developed with coordination, input and review by the USACE. NTTA has also received requests from US Fish and Wildlife Service and Texas Parks and Wildlife Department regarding coordination of wetland mitigation plans. Accordingly, these agencies will also be invited to participate in the development of the mitigation plan.

In addition to wetland impacts, the proposed borrow sites A-I will result in loss of trees within the affected areas. The Trinity River has a narrow wooded corridor on both sides of the main channel along most of the Dallas Floodway reach. From the Elm Fork/West Fork confluence to Jefferson St., the corridor is up to 50 feet wide on both sides of the channel, with tree species predominantly Cottonwood or Black Willow and sizes ranging from small saplings to over 20-inch diameter. Beginning at Jefferson Street and continuing downstream to the DART bridge, the wooded corridor is noticeably narrower, mostly due to activities associated with the Trinity

River desiltation project (USACE Project #199300146). The wooded corridor in this area ranges up to 30 feet wide, with small Black Willow trees and saplings representing almost all of the species present. The proposed borrow sites A-I affect 11,500 feet of river bank and are estimated to impact 11.2 acres of tree cover. NTTA proposes to provide 11.2 acres of trees to restore the trees lost due to the borrow site excavation. Final location of these replacement trees will be subject to coordination with USACE and the City of Dallas. These locations could be on the riverside embankment slopes of the proposed Parkway, or on other agreed locations, such as within the Hamptons Wetland mitigation area or on edges of future proposed meanders in the river channel.

The cost to construct the replacement wetlands and plant the tree mitigation areas will be developed and refined with agency input. At this point, the wetland and tree mitigation is preliminarily estimated to cost $650,000.00 an amount which is assumed to be already included in the mitigation allowances ($5 million) in the DEIS preliminary cost estimates.

The NTTA proposes to apply for an Individual Section 404 Permit utilizing the NEPA/Section 404 Permit Merger with the Draft and Supplemental EIS as the 404 Application for the Corps. The NEPA/Section 404 Permit Merger has been established as official policy for U.S. DOT, EPA, and USACE initiatives to improve the regulation and reduce inefficiencies under Section 404. NTTA, TxDOT, and FHWA are committed to expanding interagency coordination to further streamline the NEPA process.

Finally, your April 20 letter proposes a further meeting between staffs to discuss the agencies' comments and concerns. We have scheduled a meeting on Wednesday, May 11 at the NTTA Office with USACE Fort Worth District, FHWA, TxDOT, and EPA staff in attendance. If you have any further questions or comments on this matter, please do not hesitate to call me at 214.461.2021 or email me at canderson@ntta.org.

Sincerely,

Christopher Anderson
Planning Director

cc: Ms. Anita Wilson, FHWA
Mr. Mike Jansky, EPA
Mr. Dan Perge, TxDOT
Ms. Rebecca Dugger, City of Dallas
Mr. Frederick W. Addison, III, J.D., Locke, Liddell, and Sapp
David Morgan, Halff Associates
Engineering

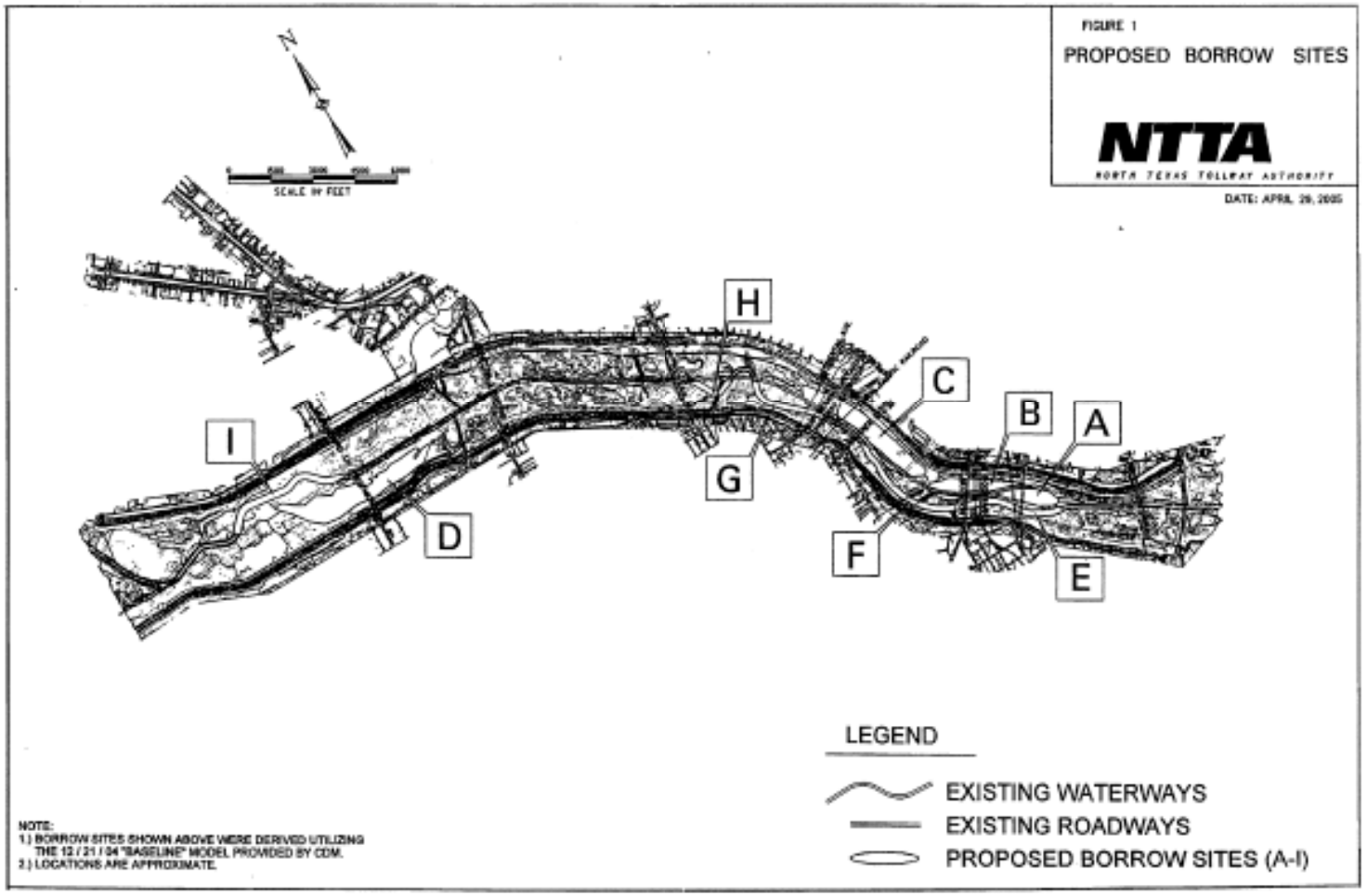
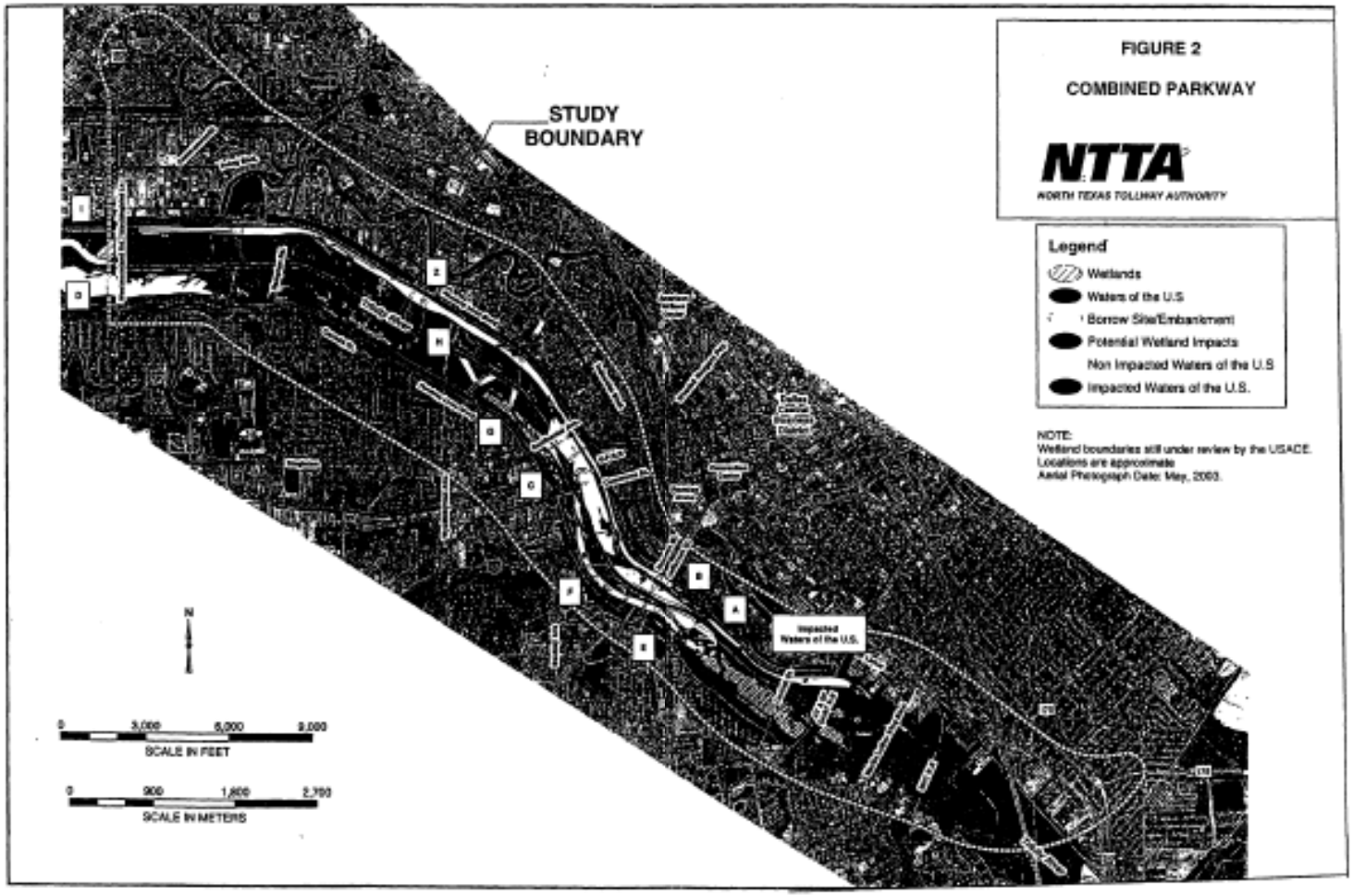
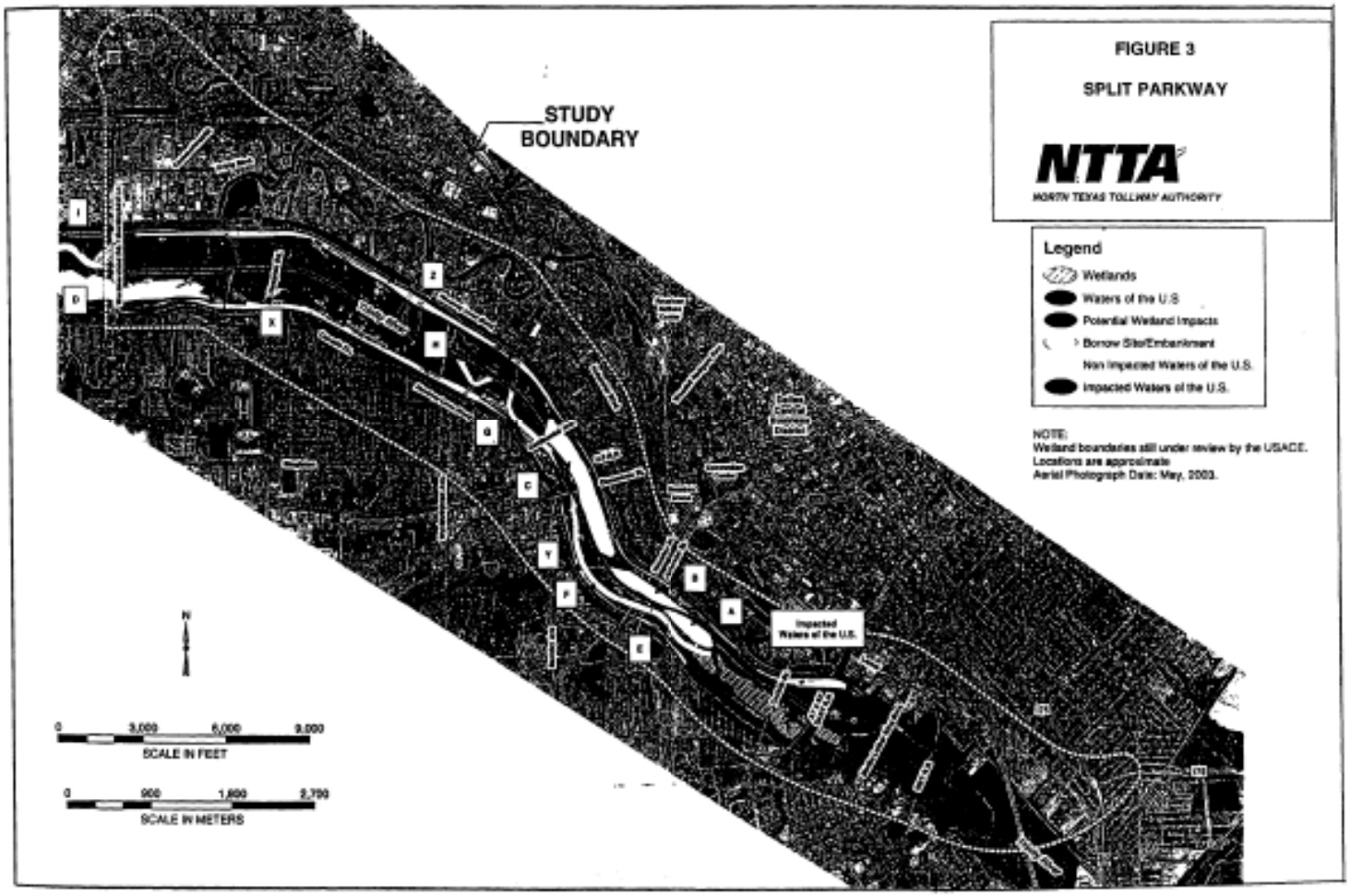


FIGURE 1
PROPOSED BORROW SITES
NTTA
NORTH TEXAS TOLLWAY AUTHORITY
DATE: APRIL 29, 2005
N
SCALE IN FEET
H
C
B
A
I
G
D
F
E
LEGEND
EXISTING WATERWAYS
EXISTING ROADWAYS
PROPOSED BORROW SITES (A-I)
NOTE:
1.) BORROW SITES SHOWN ABOVE WERE DERIVED UTILIZING THE 12 / 21 / 04 "BASELINE" MODEL PROVIDED BY CDM.
2.) LOCATIONS ARE APPROXIMATE.


STUDY BOUNDARY
FIGURE 2
COMBINED PARKWAY
NTTA
NORTH TEXAS TOLLWAY AUTHORITY
Legend
Wetlands
Waters of the U.S
Borrow Site/Embankment
Potential Wetland Impacts
Non Impacted Waters of the U.S
Impacted Waters of the U.S.
NOTE:
Wetland boundaries still under review by the USACE.
Locations are approximate
Aerial Photograph Date: May, 2003.
Impacted Waters of the U.S.
N
0 3,000 6,000 9,000
SCALE IN FEET
0 900 1,800 2,700
SCALE IN METERS


STUDY BOUNDARY
FIGURE 3
SPLIT PARKWAY
NTTA
NORTH TEXAS TOLLWAY AUTHORITY
Legend
Wetlands
Waters of the U.S.
Potential Wetland Impacts
Borrow Site/Embankment
Non Impacted Waters of the U.S.
Impacted Waters of the U.S.
NOTE:
Wetland boundaries still under review by the USACE.
Locations are approximate
Aerial Photograph Date: May, 2003.
Impacted Waters of the U.S.
N
0 3,000 6,000 9,000
SCALE IN FEET
0 900 1,800 2,700
SCALE IN METERS

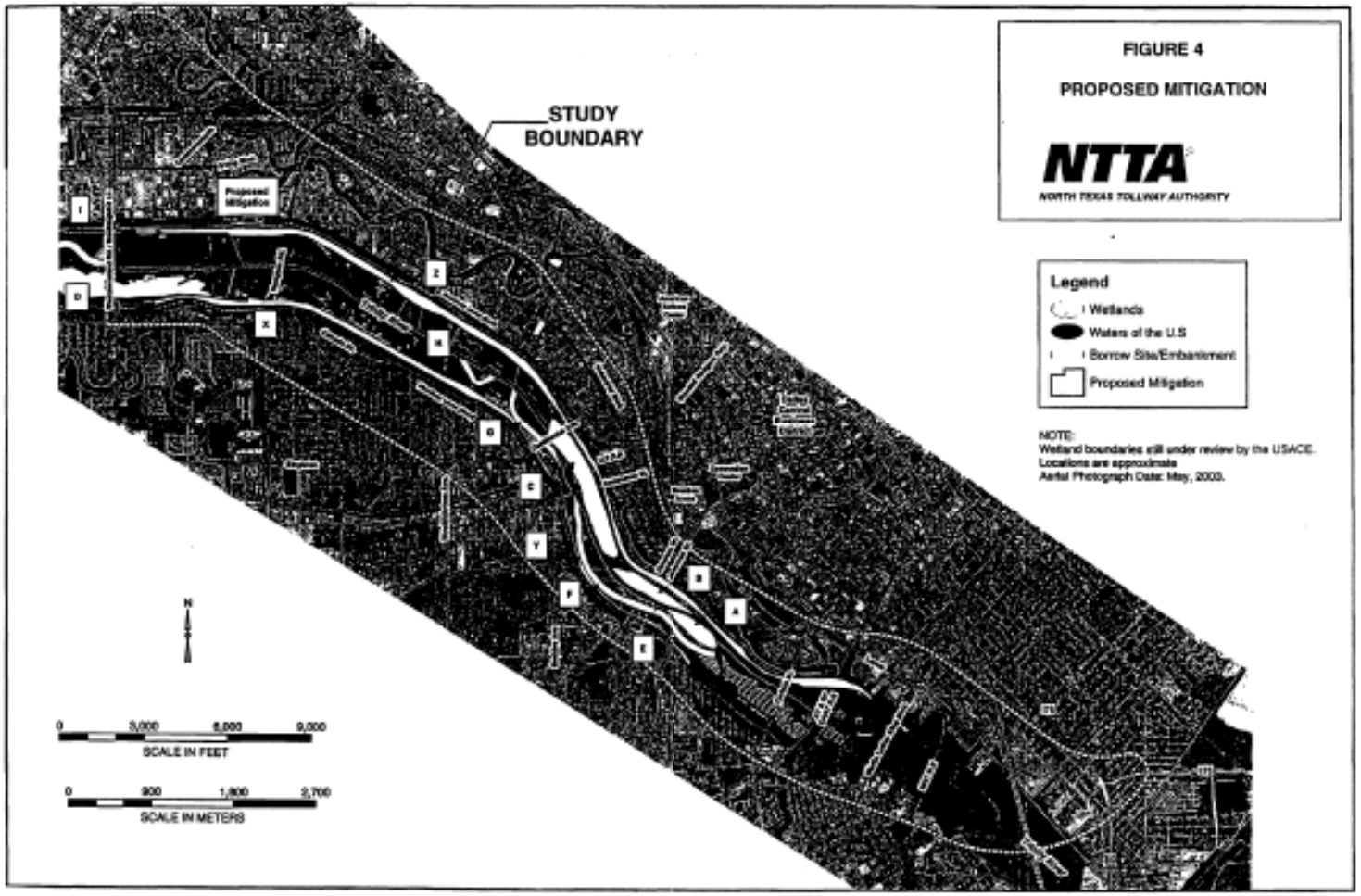


FIGURE 4
PROPOSED MITIGATION
NTTA
NORTH TEXAS TOLLWAY AUTHORITY
STUDY BOUNDARY
Proposed Mitigation
Legend
Wetlands
Waters of the U.S
Borrow Site/Embankment
Proposed Mitigation
NOTE:
Wetland boundaries still under review by the USACE.
Locations are approximate
Aerial Photograph Date: May, 2003.
N
0 3,000 6,000 9,000
SCALE IN FEET
0 900 1,800 2,700
SCALE IN METERS

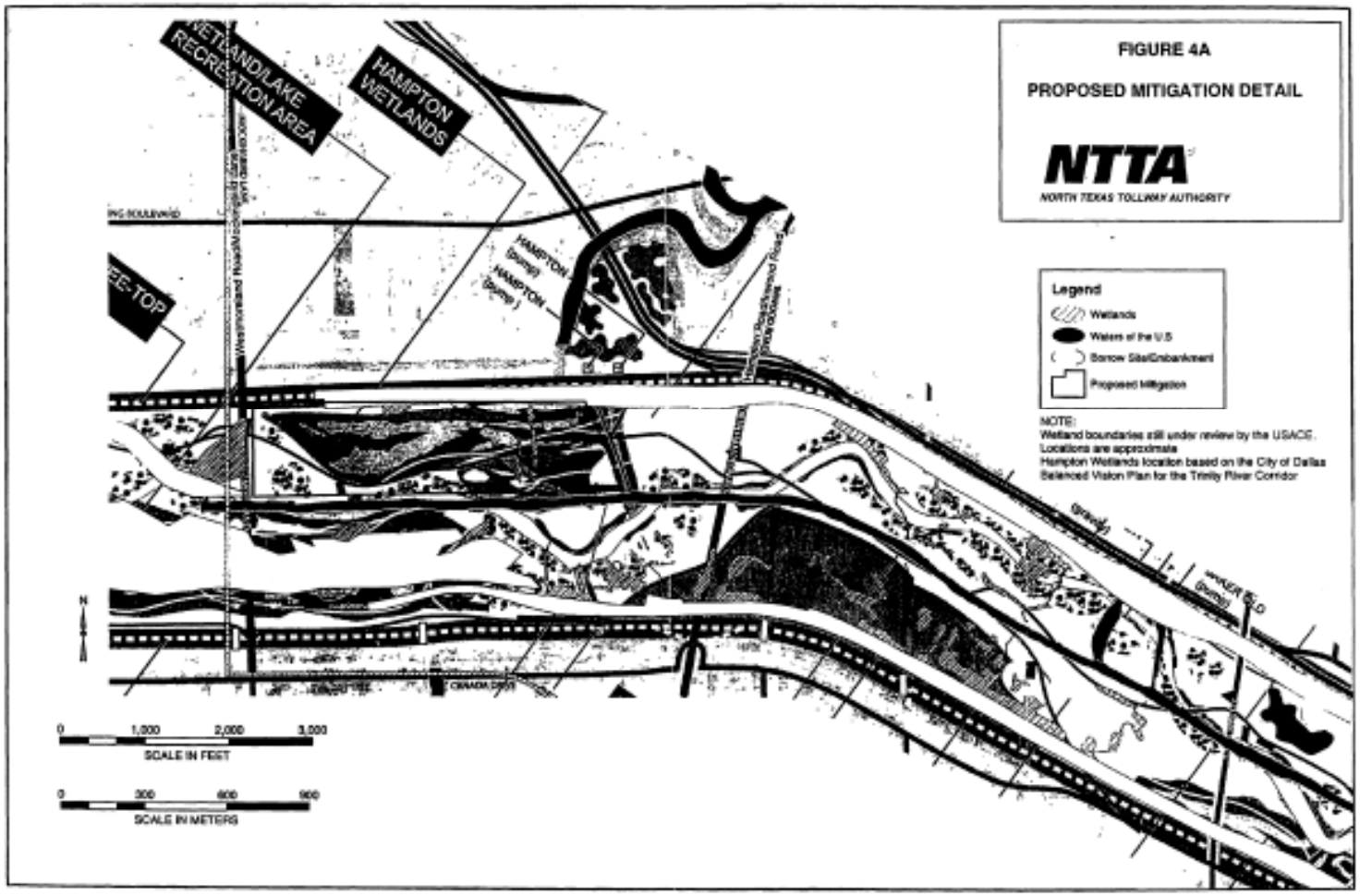


FIGURE 4A
PROPOSED MITIGATION DETAIL
NTTA
NORTH TEXAS TOLLWAY AUTHORITY
WETLAND/LAKE RECREATION AREA
HAMPTON WETLANDS
Legend
Wetlands
Waters of the U.S.
Borrow Site/Embankment
Proposed Mitigation
NOTE:
Wetland boundaries still under review by the USACE.
Locations are approximate
Hampton Wetlands location based on the City of Dallas
Balanced Vision Plan for the Trinity River Corridor
0 1,000 2,000 3,000
SCALE IN FEET
0 300 600 900
SCALE IN METERS

U.S.Department
of Transportation
**Federal Highway
Administration**

Texas Division Office
300 E. 8th Street, Room 826
Austin, Texas 78701

July 28, 2005

In Reply Refer To:
HA-TX

Mr. William Fickel, Jr.
Chief, Environmental Division
CESWF-EV
Department of the Army
Fort Worth District Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Dear Mr. Fickel:

The Federal Highway Administration (FHWA), in cooperation with the Texas Department of Transportation (TxDOT), and North Texas Tollway Authority (NTTA) approved the Trinity Parkway Draft Environmental Impact Statement (DEIS) for circulation on January 28, 2005. The public hearing was conducted on March 29, 2005. At this time North Texas Tollway authority (NTTA) is processing and analyzing public and agency comments.

The proposed project would provide for the construction of a road on a new location along the Trinity River corridor. The approximately 10-mile long project would manage serious congestion near downtown Dallas. Several alternatives were presented in the DEIS and public hearing. Based on the city's and NTTA's recommendations, it is anticipated that the interim recommended Alternative 3B – Combined Parkway will be carried thru into future NEPA documents. The Alternative 3B would be constructed within the floodway.

We also understand that your agency will be preparing a separate DEIS and Plan Formulation document for your proposed actions in the existing Dallas Floodway. It is anticipated that after substantial interagency coordination, FHWA/TxDOT/NTTA will prepare and publish a Supplemental Draft EIS (SDEIS) for the Parkway to incorporate relevant available information from the Floodway DEIS.

Your agency's involvement should entail those areas under its jurisdiction and no direct writing or analysis will be necessary for the document's preparation. The following are activities we will take to maximize interagency cooperation:

- Invite you to technical and policy coordination meetings;
- Actively participate in your public information meetings, as you will likewise participate in ours;

BUCKLE UP AMERICA

- Consult with you on any relevant technical studies that will be required for the project;
- Organize joint field reviews with you;
- Provide you with project information, including study results;
- Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise; and

Include information in the project environmental documents that cooperating agencies need in order to discharge their National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

You have the right to expect that the subsequent NEPA documents will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process and in a timely manner, your needs are not being met. We expect that at the end of the process the subsequent NEPA documents will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further, we intend to utilize the subsequent NEPA documents as our decision making document and as the basis for the permit application to proceed before the project is constructed.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of these subsequent NEPA documents, please contact Ms. Anita Wilson at (512) 536-5951 or Mr. Tom Bruechert (512) 536-5948.

Sincerely,

Salvador Deocampo
District Engineer

cc:
Mr. Tom Bruechert, FHWA Texas Division Office
Ms. Dianna Noble, P.E., TxDOT-ENV
Mr. William L. Hale, P.E.,
Mr. Allan Rutter, NTTA

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WASH. _____
REGION _____
STATE 7-26-05 CW

FILE - TRINITY PKWY DALLAS County

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO ATTENTION OF

Planning, Environmental, and Regulatory Division

Mr. Salvador Deocampo
U.S. Department of Transportation
Federal Highway Administration
Texas Division Office
300 E. 8th Street, Room 826
Austin, Texas 78701

Dear Mr. Deocampo:

I am responding to your request of July 26, 2005 for the U.S. Army Corps of Engineers, Fort Worth District (Corps) to become a cooperating agency in the preparation of the Trinity Parkway Environmental Impact Statement (EIS) in accordance with Part 1501.6 of CEQ's NEPA Implementation Regulations. We would be most pleased to do so. Our jurisdiction and involvement as a cooperating agency will focus on the following: the Section 404 and Section 10 permit approval process; consideration of approval of all construction activities within the limits of the existing Federal Dallas Floodway project; and the potential effects the roadway alternatives would have on plan formulation of the Corps Dallas Floodway study. Our April 13, 2005 letter on the Trinity Parkway draft EIS contained detailed comments regarding each of the above items.

As previously indicated in our April 13 letter, a Department of the Army Standard Individual Permit likely will be required under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 to authorize five of the six roadway alternatives being considered. Under Section 404, a permit is required for any discharge of dredged or fill material into waters of the United States. Under Section 10, a permit is required for any work, or activity, in, or affecting, navigable waters of the United States.

Members of my Regulatory Branch have been working closely with your staff to delineate the waters of the United States and on pre-application coordination on the permit approval requirements to help identify ways to avoid and minimize adverse impacts to the aquatic environment to the maximum extent practicable. In this regard, I encourage you to provide as much substantive information as practical on the quality and quantity of aquatic resources that will be affected by the alternatives being considered. Such information will materially aid the Corps in judging which alternative would cause the least adverse overall effect on the aquatic environment. Our April 13, 2005 letter contained guidance on the preparation of the draft EIS relative to our responsibility under Section 404 and Section 10.

Integral to our Section 404 permit review process is the requirement to insure compliance with the hydraulic criteria contained in the Trinity River and Tributaries Regional Environmental Impact Statement Record of Decision (ROD), dated April 29, 1988. Based on our review of the hydraulic model for Alternative 3B, we don't believe it is compliant with the aforementioned criteria. Enclosure 1 describes our review of the model and additional hydraulic mitigation features that we recommend you incorporate into the project to reduce the adverse hydraulic effects. We ask also that you provide the hydraulic models for the other alternatives (3A and 4) that affect the floodway so we can compare hydraulic effects among the alternatives.

All construction within the limits of the Federal Dallas Floodway project will require approval by the Fort Worth District Engineer. This includes, but is not limited to, excavation, construction affecting the levee, modifications to the sumps, river crossings, and tree planting. Please refer to the enclosed Fort Worth District Pamphlet No. 1150-2-1 (Enclosure 2) for guidance and criteria for these activities. We recommend that this criterion be incorporated into your ongoing planning and described in the EIS to facilitate and insure these considerations are factored into the final project design. Final construction plans and specifications will also need to be submitted to the Corps for final approval of all construction in the floodway.

We also recommend that a plan be developed and included in the EIS that describes the actions that should be taken immediately prior to, during, and after a major flood event. Such actions might entail consideration of closing the road as water elevations approach the 100-year elevation, activating a team to monitor the event, and implementing emergency actions if damage occurs to the road, the floodwalls, or the levee. It is also important that the plan address cleanup procedures that would be taken following flood events or accidents that might release oils, grease, toxic or other hazardous substances.

We are committed to continue to work closely with your agency, the North Texas Tollway Authority, and the Texas Department of Transportation so that the Trinity Parkway project is well coordinated with our Dallas Floodway project. We also look forward to our role as a cooperating agency to insure that your NEPA process will satisfy our NEPA requirements for Section 404 and Section 10 permitting and floodway construction approval. Please contact Mr. Gene T. Rice, Jr. at (817) 886-1374 or Mr. Mark Harberg at (817) 886-1687, if you have any questions regarding our recommendations outlined above.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulator Division

Enclosures

September 16, 2005

Development of the Proposed Trinity Parkway Hydraulic Analysis

1. An updated hydraulic model for existing conditions on the Trinity River and the Dallas Floodway was completed and is referred to as the Revised Existing model. This model revision was limited to the reach of the Trinity River between the Martin Luther King Blvd bridge and the confluence of the Elm Fork and the West Fork Trinity River and was a revision to the previously developed Corridor Development Certificate (CDC) model. The Revised Existing model was mostly developed by A-E using recent survey data, additional cross section locations and updated bridge model input. The updated bridge model input was provided by the Corps along with periodic reviews to ensure consistency with the proposed Trinity Parkway model. The Revised Existing model update includes the following data:

    a. New 1-foot contour survey for both the East and West Levees extending from the DART bridge to the Union Pacific Railroad bridge.

    b. New 1-foot contour survey for the existing channel with bathymetry extending from the DART bridge to the confluence of the Elm Fork and the West Fork.

    c. Includes the 1991 2-foot contour survey of the floodplain between the channel banks and levee toe.

    d. Includes updated bridge model input for all bridges in the floodway on the main stem Trinity River.

    e. Includes adding approximately 200 % more cross section locations than the CDC model within the floodway on the main stem Trinity River.

2. The initial preferred Trinity Parkway Plan (Alternative 3b) was developed along with a Trinity Parkway Plan hydraulic model. The model is based on the updated Revised Existing hydraulic model for the Dallas Floodway. The model was also developed by A-E with review by the Corps to ensure consistency between the two models. The basic features of the Trinity Parkway model are as follows:

    a. Includes parkway embankment for 6 lanes (3 northbound and 3 southbound) on the East Levee.

    b. Includes excavation needed for the parkway embankment and is located consistent with plans for future lakes.

Encl. 1

OCT-06-2005 02:56PM FAX:5125365990 ID:TOLLWAY AUTHORITY PAGE:004 R=95%

c. Includes excavation for a relocated river channel and is located consistent with plans for future lakes. The existing river channel is not filled.

d. Includes model input for the proposed Woodall Rodgers Bridge.

3. Upon completion of the basic development of the Parkway Plan and the hydraulic model, the A-E submitted the model to the Corps for review. The review was comprised of a number of checks to ensure that the appropriate data was used in the model such that an accurate comparison could be made between the proposed Trinity Parkway model and the Revised Existing model. The previous (1991) survey data and the new survey data was checked and found to have been properly integrated. The model cross sections were checked and found to consistently match the survey data. The number and locations of cross sections was checked and found to be consistent with the Revised Existing model. The bridge model input provided by the Corps was checked and found to be correctly integrated into the model. The cross sectional representation of the parkway embankment and excavation was checked and found to be adequately modeled.

4. Upon completion of the Trinity Parkway model review and running the models for computational stability checks, the comparison of the Trinity Parkway model and the Revised Existing model was required to determine if the Trinity Parkway Plan meets the requirements of the 1988 Record of Decision hydraulic criteria. The Record of Decision hydraulic criteria states; (A) No rise in the 100-year or SPF water surface elevation for the proposed condition will be allowed, (B) The maximum allowable loss in the valley storage capacity is 0 % for the 100-year and 5 % for the SPF, and (C) Alteration of the floodplain may not create or increase an erosive water velocity on or off site. The 1988 ROD does not provide a detailed description of how the percent loss of valley storage is to be computed. However, since the ROD criteria is essentially the same as the hydraulic criteria for evaluation of a project subject to the Corridor Development Certificate process, the method of computing the allowable valley storage losses stated in the Corridor Development Certificate Manual – 3rd Edition is used. The manual states that any decrease in valley storage is computed with respect to the amount of valley storage originally available in the proposed project tract. For the purposes of computing the percentage of valley storage loss for the Trinity Parkway project, the "proposed project tract" is assumed to be the entire floodway width from the downstream limits of the Trinity Parkway project near the Martin Luther King Blvd bridge to the confluence of the East Fork and the West Fork. This assumption is considered valid because the project could potentially alter any of the land area between the levees within this river reach.

5. The initial plan for the Trinity Parkway completed by the A-E and the hydraulic model of the plan was submitted to the Corps for review. The model was used by the Corps to compare the hydraulic performance of the plan with the Revised Existing model. The results of the comparison indicated that the ROD criteria for the water surface elevations and flow velocities were met but the valley storage

criteria was not met for either the 100-year or SPF flood events. The valley storage loss resulting from the lower water surface profile for the 100-year was computed as 1,736 acre-feet or 4.9 % of the without-project valley storage within the project reach as described above. The valley storage loss for the SPF was computed as 3,433 acre-feet or 5.8 % of the without-project valley storage. These values are actually underestimated since this valley storage computation only considered the reach from the downstream limit of the project upstream to the confluence of the Elm Fork and the West Fork. The water surface profile upstream of the confluence on the Elm Fork and the West Fork was actually slightly lower for both flood events compared to the existing condition and would be considered additional valley storage loss but was not included in this computation.

6. Following this analysis the Corps performed further hydraulic analysis in an attempt to reduce or eliminate the hydraulic adverse impacts resulting from the Trinity Parkway project as initially proposed. The result of this analysis indicates that the adverse hydraulic and hydrologic impacts can be reasonably minimized with some modifications to the initial plan and are described below. These modifications result in the reduction of the valley storage loss for the 100-year to 145 acre-feet or 0.4 % of the without-project valley storage and reduction of the valley storage loss for the SPF to 531 acre-feet or 0.9 %. There is no change to the water surface profile upstream of the confluence for either the 100 –year or the SPF flood events, therefore, there is no additional valley storage loss upstream of the confluence resulting from the project. There is no rise in the SPF water surface profile and no rise in the 100-year water surface profile upstream of the confluence of the East Fork and the West Fork resulting from the project. However, there is a rise in the 100-year water surface profile within the project reach in the Dallas Floodway ranging up to a maximum of 0.30 feet.

In conclusion, the modifications to the initial plan have reduced significantly the overall impacts of the project both upstream and downstream of the project. However, the criteria set forth in the ROD, has not been fully met by these modifications. Specifically, the limit of no rise in the 100-year water surface profile has been exceeded by a maximum of 0.30 feet and the limit of 0 % valley storage loss has not been met having been computed as 145 acre-feet or 0.4 %. The impacts of the rise in the 100-year water surface profile is limited to the reach within the Dallas Floodway levees on the main stem Trinity River and would not be expected to cause an increased risk of flood damages because of the existing levees having a protection level much higher than the 100-year level. The impacts of the valley storage loss for the 100-year will be primarily downstream of the project by increasing slightly the peak discharge for this flood event and potentially increasing flood levels downstream. There is also a valley storage loss remaining for the SPF event with the modifications to the initial plan but the ROD criteria has been met because the SPF valley loss of 531 acre-feet or 0.9 % is within the allowable 5 % of the without-project valley storage of the "proposed project tract".

A further analysis was completed to determine the impacts of the valley storage losses remaining with the project modifications. The results of the analysis was that the peak discharges for the 100-year and the SPF events were raised slightly downstream of the project but the corresponding increase in the water surface profile downstream for either event was no greater than 0.01 feet at any location.

The proposed modifications to the initial Trinity Parkway project that have been identified in this analysis are summarized with both excavation changes and vegetation changes:

Excavation Changes

a. Excavation to widen the existing channel from River station 1096+70 to 1100+09 is eliminsated from the initial plan.

b. Widening of the lake excavation is added down to elevation 390.0 on the west side from River Station 1122+63 to 1138+90.

c. Excavation for proposed future wetlands on the left overbank is added down to elevation 404.0 from River Station 1367+21 to 1402+72.

d. Excavation for proposed future wetlands on the right overbank is added down to elevation 404.0 from River Station 1373+74 to 1420+04.

Vegetation Changes

a. Dense vegetation is added with a design Manning's roughness coefficient of 0.150 on the left and right overbanks from River Station 1157+64 to1244+34.

b. Vegetation is added with a design roughness coefficient of 0.085 on the right and left overbanks from River Station 1244+34 to 1247+30.

c. Vegetation is added with a design roughness coefficient of 0.065 on the right overbank only from River Station 1247+30 to 1253+80.

d. Vegetation is added with a design roughness coefficient of 0.085 added on the right overbank only from River Station 1254+87 to 1264+29.

DEPARTMENT OF THE ARMY **SWFP 1150-2-1**
U.S Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Pamphlet
No. 1150-2-1 31 October 2003

Local Cooperation
CRITERIA FOR CONSTRUCTION WITHIN THE LIMITS
OF EXISTING FEDERAL FLOOD PROTECTION PROJECTS

1. **Pamphlet Purpose.** This pamphlet provides guidance to individuals, developers, architect-engineering firms, local project sponsors, and local governmental agencies for the construction of new facilities or the modification of existing facilities within the limits of an existing Federal flood protection project constructed by the U.S. Army Corps of Engineers, Fort Worth District (CESWF) and for which local project sponsors and/or local governmental agencies have the responsibilities for operation and maintenance. The CESWF, in accordance with Title 33 CFR, Section 208.10, retains the right of review and approval on all proposed improvements and/or modifications that are passed over, under, or through the walls, levees, improved channels, or floodways of such projects. The guidance contained in this pamphlet applies to the activities described herein in most cases; however CESWF reserves the right to reconsider this guidance at any time due to unknown or unforeseen circumstances, technological advances, additional information, etc.

2. **Applicability.** This pamphlet applies to all Federal flood protection projects constructed by CESWF, and for which a letter of assurance agreeing to the operation and maintenance of the flood protection project has been furnished CESWF by the project's local sponsor.

3. **Project Purpose.** A Federal flood control project is designed to safely carry floodwater within the project and through a developed area. As such, any proposed developments within the project must keep the safe passage of floodwater as the first priority. The roles of the CESWF and the project local sponsor are to maintain the integrity of the project while preventing negative impacts to the passage of the project design flood. The CESWF will not allow the safety of the project to be compromised or the required design carrying capacity of the project reduced.

4. **General Criteria for Construction Within a Floodway.**

a. As early as possible during the planning process, discuss preliminary proposals with the CESWF and the local sponsor to avoid major revisions or project delay. The local sponsor may make any requirements of this Pamphlet more stringent than those contained herein. Concept proposals may be submitted for review. Submit the proposed construction starting date and the detailed project construction schedule, including sequence of construction prior to initiation of work.

b. Construction may not start until final written contract drawings and plans have been reviewed and approved in writing by both the CESWF and the local sponsor.

c. Furnish five (5) sets of plans and specifications for the proposed work to the CESWF, Operations Division, ATTN: CESWF-OD-M, via the local sponsor sufficiently in advance of proposed construction to allow adequate time for review and approval. A vicinity map shall be included in the plans showing the right-of-way boundaries of the flood protection project with specific levee toe and channel slope limits in the portion of the project being crossed, if applicable.

This pamphlet supersedes SWFP 1150-2-1 dated 15 October 1985.

ENCL 2

d. If boring, jacking, or tunneling operations are planned; detailed designs, calculations, and construction procedures must be provided for review. See subsequent paragraphs for additional details and required procedures.

e. Practice approved construction methods and best management practices to minimize erosion at the construction site. All work shall be performed in such a manner as to be as environmentally friendly as possible. This includes making every effort to reduce the turbidity of the water at the site, such as by limiting the amount of time construction equipment is in the water. A storm water pollution prevention plan (SWPPP) must be included in the final project submittal.

f. When construction work is in progress in a project located downstream of a Federal dam, a request from the contractor for changes in regulated releases will be considered on individual cases only. Normally, regulated releases from upstream lakes for evacuation of floodwaters, water supply, recreation, or other purposes considered to be in the best interest of the public will have first consideration. A flood event could occur at any time during construction activities and could affect these activities.

g. Construction equipment, spoil material, supplies, forms, buildings for inspectors, labs, or equipment and supply storage buildings, etc., shall not be placed or stored in the floodway during construction activities. Any item that may be transported by flood flows shall not be stored within the project. Locations of construction trailers and stockpile areas shall be included on project plans and approved by the CESWF and the local sponsor.

h. In addition to other requirements set forth in this Pamphlet, permits may be required under Section 10 and Section 404 for the desired work. These permits require a minimum of 90 days to process. It is recommended that contact with the CESWF Regulatory Branch be initiated in the early planning stages to prevent delays.

i. Repair or replace any maintenance and operation roads disturbed during construction to a condition equal to or better than their condition before construction. All roads must be inspected by the local sponsor prior to completion of the project.

j. Compact all fill and backfill in 6-inch lifts as specified in job specifications approved by the CESWF. Compaction shall be to at least 95 percent of modified density as specified in ASTM D-1557. All backfill shall consist of impervious materials. Reestablish vegetation to its original condition or better. Remove all excess material from the limits of the floodway.

k. Provide scour protection consisting of articulating revetment system protection capable of being re-vegetated at the outfall of stilling basins designed according to the issuing jet velocity. If approved by the local sponsor, riprap, gabions, or concrete paving may be substituted for the revetments.

l. The crown or crest of the levee referred to in this pamphlet is the original or design levee crest elevation. This may or may not be the same as the current levee crest elevation. All modifications shall be based on the higher of the two elevations.

m. Upon request, the CESWF Hydrology and Hydraulics Section may provide applicable hydraulic models to be used for design.

n. Any permanent disturbance of existing recreation facilities must be mitigated.

o. Sump areas adjacent to federal projects are considered an integral part of the federal project and any modifications to them will be reviewed and approved in accordance with this Pamphlet.

5. **Crossing Over Existing Levees At Grade.**

a. The local sponsor may decide to not allow any proposed crossing over existing levees at grade.

b. No excavation or notching will be performed into or on the levee, or within the levee template.

c. Strip topsoil from the levee and place the line up and over the levee template slopes at grade. This will require rather abrupt line grade changes at the levee crest. Cover the new line by placing new fill uniformly on the slopes and top of the levee to slope away from the line and parallel to the longitudinal axis of the levee. Provide a minimum of 2 feet of cover over the new line. The slope of the fill shall be 1 vertical on 20 horizontal or flatter. Replace the topsoil, reestablish grass on all disturbed areas, and restore any roadways.

d. All valves located within 15 feet of either side of the projected toe of the levee shall be provided in a concrete box enclosure with a manhole type cover. Valve boxes located within the floodway shall be underground and flush with the surface. If the valve box is placed in the levee crest, the bottom of the excavation shall be not lower than one foot above the design water surface elevation. Fill shall be uniformly placed to slope away from the top of the valve box. If possible all valves shall be placed on the landside of levees a minimum of 15 feet from the projected levee toe.

e. Provide water-tight sealed manhole covers for all manholes within the floodway having tops below design water surface elevation. Fasten manhole covers to the manhole structures.

6. **Crossing Under Levees with Open Excavation.**

a. Provide a temporary ring levee (cofferdam) on the riverside of the existing levee at the location of the subject crossing to the same top elevation as the existing levee. This ring levee shall have a minimum crest width of 10 feet and sides slopes of 1 vertical on 3 horizontal or flatter. Construct the levee of impervious materials according to the provisions specified in Paragraph 4j.

b. When the temporary ring levee is complete, excavate through the existing levee using one vertical on three horizontal cut slopes. The toe of the levee and ring levee shall be a minimum of 20 feet (measured horizontally) from the top edge of the excavation.

c. Generally, sources for borrow materials shall not be located within the limits of the floodway right-of-ways. In addition, depending on the type of soil and whether or not pervious materials or unstable materials exist in the foundation of the existing levee, it may be desirable to limit the depth of excavation or specify a minimum distance from the land-side toe of the levee. All excavated slopes shall be properly designed and the drawings sealed by a registered professional engineer.

d. After the line has been placed, the open excavation will be compacted in accordance with Paragraph 4j. When backfill operations are completed, the entire foundation area to be occupied by the replaced levee fill shall be scarified, plowed, and/or harrowed to a depth of 6 inches, and then compacted by at least 16 complete passes of the tamping roller or 95 percent modified density, whichever is more rigorous.

e. Accomplish levee replacement by placing fill in 6-inch lifts and compacting by not less than eight complete passes of a tamping roller or at least 95 percent modified density. After compaction, the moisture content shall be within the limits of 3 percentage points above optimum to 2 percentage points below optimum moisture content.

f. Determine the in-place moisture content and density of the levee fill on a frequency of about one sample for each 2500 cubic yards of backfill placed in the levee.

g. When the breached levee has been reconstructed to its original grade, remove the temporary ring levee and dress and turf the surface areas of the plugged section.

h. Provide water-tight sealed manhole covers for all manholes within the flood protection project having tops below design water surface elevation. Fasten manhole covers to the manhole structures.

i. For pipelines, install a positive cut-off structure to prevent water from the riverside flowing through the pipeline to the landside. If located on the riverside of a levee, extend the cut-off structure to the levee crown elevation by bridge. This structure must be accessible no matter what flood condition may exist. The closure device must be operational by manpower, if necessary.

j. Provide gravity storm drains discharging into the floodway with automatic flap gate(s) at the discharge end of the line and energy dissipaters, as required. The owner or local sponsor, as per written agreement, shall be responsible for inspection and maintenance to ensure proper operation of the flap gates.

k. Use monolithic conduits or conduits with water-tight joints under the levee and levee template.

7. **Crossing Under Levees with Boring or Jacking of Sleeves.** The sequence of work shall be as follows:

a. Excavate the boring and jacking pit (must be on the land side outside the projected toe of the levee template slope).

b. Bore and jack the sleeve to a point beyond the projected riverside toe of the levee template slope.

c. If the difference in the diameters of the bore and sleeve exceeds 3 inches, the annular space shall be pressure grouted with bentonite slurry.

d. Place the product line in the sleeve.

e. Pressure grout the product line in sleeve with bentonite slurry.

f. Excavate the pit on the riverside and construct a manhole with gate valve placed on inside face of manhole away from channel. Tie line from sleeve under levee into manhole with gate valve.

g. Tie line from sleeve under levee into a manhole on landside.

h. During work on items a through h, a plug will be required to be placed and braced at the open end of the sleeve and pipe located in the jacking pit at the close of work each day. This plug must remain in place until the gate valve is installed and connections made to ensure protection from flooding from the river.

8. Horizontal Directional Drilling Under Levees and Channels.

a. Detailed contractual drawings, plans, procedures, and engineering calculations shall be provided to CESWF for review. These must include all the requirements of Paragraph 4 above and the following additional items:

(1) Inside diameter of the final bore hole and outside diameter of the product casing.

(2) Detailed description of construction and horizontal boring methods to be utilized.

(3) If the difference in the diameters of the final bore and product casing exceeds 3 inches, provide the method of pressure grouting the annular space between the outside of the product casing and the inside of the bore to prevent seepage under the levee template during maximum river stages.

(4) A profile of the proposed line showing alignment (including location of the river and levees).

(5) Location of entry and exit points, location, elevations and proposed clearances for all utility crossings and structures

(6) Right-of-way lines, property, and other utility right-of-way or easement lines

(7) Depth under the base of the levee, depth of the line under the river channel, and location of both ends of the string. If the proposed depth of the string directly below the base of the levee is less than 30 feet, then detailed engineering calculations sealed by a registered professional engineer shall be provided for review. These calculations must show a minimum 1.5 factor of safety against hydro-fracturing to be acceptable.

b. Develop and provide a quality control plan for the project that includes the maximum allowable drilling pressure, gage calibration method, and responsibility for assuring that the pressure is not exceeded.

c. The minimum clearance distance from the top of the pipe encasement to the original design river bottom elevation shall be 7 feet. Should the existing channel bottom elevation be lower than original design grade, the new line shall be the discussed depth below the existing bottom elevation.

d. Develop and provide a quality control plan for the project that includes the maximum allowable drilling pressure, gage calibration method, and specific responsibility for assuring that the pressure is not exceeded. During the drilling process, the pressure in the borehole must be monitored to ensure that the operational drilling pressures remain within the safe limits to prevent soil fracturing. The name of the party responsible for monitoring the work must be specified.

9. Bridges Crossing Levees.

a. The bottom of low steel of the bridge shall be above the design crest elevation of the levee. No notching into the levee will be allowed.

b. All bents should be located to minimize the number of bents located within the template of the levee. Driving of piles within the template of the levee will not be allowed. Bents at these locations should only be designed as drilled piers.

c. Bridges will not be located where their construction will block maintenance access roads presently located within the floodway.

d. All storm water runoff from bridge decks must be piped to grade to prevent erosion within the floodway.

e. Re-vegetated mat type slope protection must be provided from the top of the levee to the floodway bottom under the shadowline of the bridge.

f. The bridge must be designed to minimize the number of pier bents. If the new bridge is within 500 feet of an existing bridge the new pier bents must be in alignment with the adjacent bridge.

10. Buried Lines Parallel to Levees and Channels.

a. Buried lines parallel with a levee (either on the river side or land side) will not be allowed where the buried lines final location will be within the extended template of the levee. For example, a line buried 5 feet deep must be at least 15 feet away from the toe of a levee with a 1 vertical on 3 horizontal slope.

b. Sumps, ditches, swales, or other project features crossed by the buried line shall be restored to their pre construction condition.

c. Buried lines parallel with the channel bank must be at least 25 feet from the projected river channel slope template.

d. When a buried line crosses a discharge channel, place the line on piers with the piers aligned so as to provide minimal obstruction to flow in the discharge channel and designed so as to catch minimal debris. The preferred alternative would be to place the line under the discharge channel and encase it with concrete. Extend the encasement a minimum of 5 feet beyond the top of the channel side slopes.

11. River and Channel Crossing Criteria.

a. Crossings Under Rivers and Channels by Open Excavation:

(1) Bury the line a minimum of 7 feet below the original design river bottom elevation. Should the existing channel bottom elevation be lower than original design grade, the new line shall be the discussed depth below the existing bottom elevation.

(2) Sufficiently anchor or encase the line to prevent floatation.

(3) Backfill the excavation with material similar to that excavated. If soil is excavated, backfill with compacted impervious fill material and if rock is excavated, backfill with concrete.

(4) No cofferdam fill type crossings shall be allowed in water greater than six (6) feet in depth, and will then only be allowed if geotechnical and structural designs prove that sheet piling would not be a viable method.

b. Crossings Over Rivers and Channels.

(1) Provide a minimum freeboard between the low point of the crossing and the design water surface elevation of three feet or to the top of any levee, whichever is higher.

(2) The obstruction caused by the supporting bridge and its piers shall not significantly reduce the carrying capacity of the floodway. No longitudinal cross bracing will be used.

(3) Submit final plans and hydraulic computations to indicate that the proposed project would not reduce the floodway capacity.

(4) Projects crossing navigable waterways (Trinity River downstream from Riverside Drive in Fort Worth, Texas) shall require a United States Coast Guard permit. Clearances and requirements shall be as directed by the Coast Guard.

12. Roadway or Railroad Crossings.

a. The low steel of a bridge shall have an elevation not lower than the crown of the levee or top of bank or 3 feet above the design water surface, whichever is higher. Contact CESWF for the current design water surface at the location of the proposed roadway crossing. Additional clearances shall be required for fixed spans over navigable waterways.

b. Submit final plans and hydraulic computations to indicate the proposed roadway or bridge would not reduce flows or project capacity. Projects will not be approved that reduce the carrying capacity of the project.

c. Any roadway over a navigable waterway will require a permit from the United States Coast Guard.

d. See Paragraph 9 for special requirements for crossing levees.

e. Hold temporary roadway fill to a minimum to prevent increasing the water surface elevation should a flood occur during the construction period. Construct all temporary ramps from levees going in a downstream direction. This will prevent flows from being directed into the face of the levees.

13. Headwall, Chutes, Gate Valves, Flap (Automatic) Gates, etc.

a. Install headwall, gate valve structures, flap (automatic) gates, and other types of outfall structures in such a manner to prevent obstruction of flow or creation of scouring conditions within the project. All headwalls must transition with the slope and flow discharge points must be at an elevation equal to the bottom of the slope or at the normal water surface. Chutes will not be allowed unless they are the only viable alternative.

b. All structures shall be installed in such a manner so as to not create maintenance problems.

14. Pump Discharge Pipelines Over Levees.

a. The invert of the discharge shall be at the toe of the protective works (levee) and shall be free-vented at the highest point. For very large lines deviation from this criteria may be considered, but under no condition shall excavation be permitted into the levee. See Paragraph 5 for requirements for crossing over a levee on grade.

b. Flap (automatic) gates are not required at the outfall of the discharge lines.

15. Electrical and Telephone Criteria for Overhead Wire Crossings.

a. The local sponsor may require directional boring under the levee as opposed to an overhead crossing.

b. No structure (poles or otherwise) shall be located closer than 15 feet from the toe of any levee.

c. No structure (poles or otherwise) shall be located closer than 15 feet from the top of any channel slope.

d. Provide a minimum vertical clearance of 28 feet between the crown of the levee and the low wire at the low point of the wire at the levee crossing computed under the most adverse conditions (temperature, wind, load, etc.).

e. Provide a minimum vertical clearance of 28 feet between the natural ground and the low wire at the low point of the sag in the area of the project channel, or three feet above the project design water surface level, whichever is higher. (Check Electrical Code for minimum clearance of high voltage lines.)

f. Locate guy wires and anchors in such a manner that they do not interfere with the operation and/or maintenance of the channel, levees, or related structures. No anchors may be placed on the levee.

16. Low Dams or Diversion of Flows.

a. Submit plans, hydraulic and structural computations, and specifications for low dams or other obstructions for review and comments prior to the construction of any type dam structure in a project area. These plans will be reviewed to determine if adverse hydraulic or structural effects would occur within the project as a result of the proposed construction. Prior to an extensive engineering study for any type of water barrier in a project, the CESWF and the local sponsor will review the concept plan, proposed location, and purpose.

b. Diversion of flows into or out of a project area shall be reviewed as to possible adverse hydraulic or structural effects.

17. Process for Abandoning Existing Pipelines.

a. Requests to abandon existing buried pipelines within a project shall be submitted in writing to CESWF and the local sponsor. No buried line within a floodway may be abandoned without the review and approval of CESWF and the local sponsor.

b. As a minimum, the portion of the abandoned pipeline under a levee shall be completely filled with concrete or grout to prevent seepage through the abandoned line during flood conditions.

c. Abandoned buried pipelines that are located on floodway property, but are not located under a levee shall be plugged at each end with concrete or grout.

d. Any structures associated with abandoned buried pipelines, for example, manholes, shall be removed and the resulting hole filled and compacted in accordance with the provisions in paragraph 4j.

e. Above-ground abandoned pipelines shall be removed from floodway right-of-way, including any associated structures.

18. Construction of Recreation Facilities. Submit plans to the CESWF for review and approval on any proposed recreation type facilities to be constructed in an existing or approved Federal project area. Each plan shall include hydraulic computations and will be reviewed for individual and cumulative effects to determine if the proposed construction would produce adverse effects on an existing or approved project area. If adverse effects on the carrying capacity of the project are determined, the project will be disapproved. The local sponsor may construct minor recreation improvements as needed so long as final as-built plans are provided to CESWF.

19. Planting of Trees Within a Floodway.

a. The purpose of a Federal flood protection project is to carry floodwater through an urban area. Anything in the floodway that restricts flow or can catch floating debris will reduce the carrying capacity below its design limits and will not be allowed. The local sponsor is directed to remove all trees on the

levees or adjacent to the channel and also as many other trees and obstructions within the floodway as reasonably possible.

b. Planting of trees on the levees will not be allowed nor approved.

c. Planting of additional trees within existing flood protection projects or adjacent to channels is not encouraged and will be evaluated only on a case-by-case basis. Only trees with deep-type root systems and high canopies may be planted in selected areas of existing flood protection projects. The plantings shall be a minimum of 50 feet away from the toe of the levee or the top of the channel bank. Trees may be placed no closer than at an average spacing of 100 feet, center-to-center. Prune trees to permit mowing immediately adjacent with tractor type mowers. No bush or vine type plants will be permitted. Minimum application of ground cover plants for slope protection will be allowed, subject to approval by the local sponsor.

d. Submit a coordinated planting plan with hydraulic computations for review and approval. This plan must also show all existing trees within 1000 feet of the proposed new trees.

CESWF-EC-DG

CAROL J. SHEAD
Publications Control Officer

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NOV 15 2005

REPLY TO
ATTENTION OF:

Planning, Environmental, and Regulatory Division

Mr. Salvador Deocampo
U.S. Department of Transportation
Federal Highway Administration, Texas Division Office
300 E. 8th Street, Room 826
Austin, Texas 78701

Dear Mr. Deocampo:

I am writing in response to your request that the U. S. Army Corps of Engineers (Corps), as a cooperating agency, explain why we continue to recommend preparation of a supplement to the draft Trinity Parkway Environmental Impact Statement (EIS) dated February 2005. As you may recall, this approach was mutually agreed to at the May 11, 2005 interagency meeting. The primary reasons we believe this approach remains necessary are:

1) The draft EIS did not discuss the alternatives' performance regarding the hydraulic criteria set forth in the Trinity River and Tributaries Regional EIS Record of Decision, dated April 29, 1988.

2) There was no discussion in the draft EIS that address the Corps criteria for construction within the limits of an existing Federal flood protection project and how the alternatives would meet these criteria. All proposed work within a Federal floodway is reviewed in accordance with the provisions of 33 CFR, Section 208.10, pertaining to work in Federally constructed local flood protection projects and Pamphlet No. 1150-2-1, Criteria for Construction Within the Limits of Existing Federal Flood Protection Projects. For a project to be approved by the Corps, it must be determined that any proposed work would not adversely affect the operation and maintenance of the Dallas Floodway and will comply with the provisions of 33 CFR and the guidelines in Pamphlet No. 1150-2-1.

3) The draft EIS did not provide a preliminary determination of compliance with the Clean Water Act Section 404(b)(1) Guidelines for public review.

4) The draft EIS treated the Dallas Floodway Extension Project as a "joint development" project, which it is not. This results in incorrect assumptions regarding benefits and costs to the Trinity Parkway project.

5) The Cumulative Impacts Analysis is inadequate because it does not quantify impacts of reasonably foreseeable projects and instead relies on conclusory statements rather than documenting effects to the environment.

6) The draft EIS did not outline a "Flood Contingency Plan" that should be subsequently developed to describe emergency actions that would be taken when a major flood event threatens the roadway.

As noted in our September 21, 2005 letter to your agency, we have two decisions to make in respect to the Trinity Parkway project. They are: whether or not to authorize the project under Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act and whether or not to approve construction within the limits of an existing Federal flood protection project. Furthermore, prior to authorization of construction of any features in or affecting the Dallas Floodway, we must ascertain that the activity would not unduly interfere with the Corps' or City of Dallas' ability to restore or improve the flood damage reduction capability of the existing Federal project. It is our intent to adopt your final EIS as a basis for these decisions provided it meets our NEPA regulations and policies. This is consistent with recent initiatives to "streamline" the NEPA process and reduce redundancy and paperwork. For the Corps to do so, we believe a supplement to the DEIS needs to be prepared that addresses the above issues and the public is afforded an opportunity to review and comment on the document.

We look forward to discussions on how we can be of assistance in the preparation of the supplement. Please contact Mr. Gene T. Rice, Jr. (817-886-1374) to schedule additional discussion on these important issues.

Sincerely,

Michael J. Mocak, P.E.
Deputy District Engineer

Copies Furnished:
Ms. Anita Wilson, FHWA
Mr. Mike Jansky, EPA
Mr. Greg Ajamian, City of Dallas

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

June 19, 2006

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number 200000308

Mr. David Morgan
Vice President
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225

Dear Mr. Morgan:

This is in reference to your correspondence of September 22, 2004, and follow-up submittals, requesting a U.S. Army Corps of Engineers (USACE) jurisdictional determination for the proposed Trinity Parkway and several other proposed projects by the North Texas Tollway Authority and the city of Dallas that would be located within and around the Trinity River Floodway in the city of Dallas, Dallas County, Texas. Information that you provided to us included a report in a letter dated May 12, 2006, Re: USACE Project #200000308 - Proposed Jurisdictional Determination for the Dallas Floodway and NTTA Trinity Parkway, Dallas Texas, with enclosures, from Mr. Danny Griffith, Halff Associates, to Ms. Jessica Napier, Regulatory Branch, USACE. This project has been assigned Project Number 200000308. Please include this number in all future correspondence concerning this project. Failure to reference the project number may result in a delay.

We have reviewed the site in question in accordance with Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Under Section 404, the USACE regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States.

On February 23, 2005, Ms. Jessica Napier of my staff conducted a field visit to the site in question to determine the limits of waters of the United States under Section 404 and navigable waters of the United States under Section 10. Based on this field visit, the report that you submitted, and other information available to us, it appears that areas subject to Department of the Army authority under Sections 404 and 10 do exist on the site. We concur with the proposed determination of waters of the United States and navigable waters of the United States that is made in the above referenced report. The basis for this approved jurisdictional determination

(JD) is enclosed. Department of the Army authorization would be required for the discharge of dredged or fill material into waters of the United States or work in, or affecting, navigable waters of the United States.

As you know, the USACE is a cooperating agency, with the Federal Highway Administration as the lead federal agency, in the preparation of an Environmental Impact Statement (EIS) on federal actions associated with the proposed Trinity Parkway project. Please continue to work with us in developing the application for a Department of the Army permit under Section 404 and Section 10, as well as other USACE actions, associated with the project. Please continue to refer to the enclosed USACE, Fort Worth District, "Checklist for Applications for Individual Department of the Army Permits," as well as the numerous discussions that we have had about preparation of the EIS, as guidance about what you should provide to complete the permit application.

This approved JD is valid for a period of no more than five years from the date of this letter unless new information warrants revision of the delineation before the expiration date. It is incumbent upon the applicant to remain informed of changes in the Department of the Army regulations.

The applicant may accept or appeal this approved JD or provide new information in accordance with the enclosed Notification of Administration Appeal Options and Process and Request For Appeal (NAAOP-RFA). If the applicant elects to appeal this approved JD, the applicant must complete Section II (Request For Appeal or Objections to an Initial Proffered Permit) of the enclosure and return it to the Division Engineer, ATTN: CESWD-ETO-R, U. S. Army Corps of Engineers, 1100 Commerce Street, Dallas, Texas 75242-0216 within 60 days of the date of this notice. Failure to notify the USACE within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please contact Ms. Jessica Napier at the address above or telephone (817) 886-1745.

Sincerely,

Wayne A. Lea
Chief, Regulatory Branch

Enclosure

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: City of Dallas

File Number: 200000308 Date: June 19, 2006

Attached		See section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at *http://www.usace.army.mil/inet/functions/cw/cecwo/reg/* or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT		
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)		
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.		
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:		
If you have questions regarding this decision and/or the appeal process you may contact: Ms. Jessica Napier at (817) 886-1745	If you only have questions regarding the appeal process you may also contact: Jim Gilmore at (214) 767-2457	
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process.		
_____ Signature of appellant or authorized agent	Date:	Telephone number:

JURISDICTIONAL DETERMINATION Revised 8/13/04
U.S. Army Corps of Engineers

DISTRICT OFFICE: FORT WORTH
FILE NUMBER: 200000308
PROJECT LOCATION INFORMATION:
State: Texas
County: DALLAS
Center coordinates of site (latitude/longitude): 032-48-50.07 096-50-26.28
Approximate size of area (parcel) reviewed, including uplands: 3,000 acres.
Name of nearest waterway:
Name of watershed: UPPER TRINITY

JURISDICTIONAL DETERMINATION
Completed: Desktop determination [ ] Date:
Site visit(s) [X] Date(s): 23 February 2005

Jurisdictional Determination (JD):

[ ] Preliminary JD - Based on available information, [ ] *there appear to be* (or) [ ] *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

[X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:

[X] *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 201.26 acres.

[X] *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 303.26 acres.

[ ] *There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.
[ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
[X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
[ ] (2) The presence of interstate waters including interstate wetlands[1].
[ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
[ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
[ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
[X] (4) Impoundments of waters otherwise defined as waters of the US.
[X] (5) The presence of a tributary to a water identified in (1) - (4) above.
[ ] (6) The presence of territorial seas.
[X] (7) The presence of wetlands adjacent[2] to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The streams are tributaries to the Trinity River, a navigable water of the United States and the wetlands are located adjacent to, within the floodplain of, the Trinity River or tributaries to the Trinity River. The ponds are impoundments of tributaries to navigable waters of the United States.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

[X] Ordinary High Water Mark indicated by:
- [X] clear, natural line impressed on the bank
- [X] the presence of litter and debris
- [X] changes in the character of soil
- [X] destruction of terrestrial vegetation
- [ ] shelving
- [ ] other:

[ ] High Tide Line indicated by:
- [ ] oil or scum line along shore objects
- [ ] fine shell or debris deposits (foreshore)
- [ ] physical markings/characteristics
- [ ] tidal gages
- [ ] other:

[ ] Mean High Water Mark indicated by:
[ ] survey to available datum; [ ] physical markings; [ ] vegetation lines/changes in vegetation types.

[X] Wetland boundaries, as shown on the a report titled "USACE Project #200000308 - Proposed Jurisdictional Determination for the Dallas Floodway and NTTA Trinity Parkway, Dallas Texas", dated May 23, 2006, prepared by Halff Associates

Basis For Not Asserting Jurisdiction:

[ ] The reviewed area consists entirely of uplands.
[ ] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
[ ] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
[ ] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- [ ] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
- [ ] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- [ ] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- [ ] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
- [ ] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- [ ] Isolated, intrastate wetland with no nexus to interstate commerce.
- [ ] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- [X] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: There are approximately 115.82 acres of upland drainage ditches within the study area.
- [ ] Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
[X] Data sheets prepared/submitted by or on behalf of the applicant.
- [X] This office concurs with the a report titled "USACE Project #200000308 - Proposed Jurisdictional Determination for the Dallas Floodway and NTTA Trinity Parkway, Dallas Texas", dated May 23, 2006, prepared by Halff Associates.
- [ ] This office does not concur with the delineation report, dated , prepared by (company):

[ ] Data sheets prepared by the Corps.
[ ] Corps' navigable waters' studies:
[ ] U.S. Geological Survey Hydrologic Atlas:
[X] U.S. Geological Survey 7.5 Minute Topographic maps: Dallas, Texas
[ ] U.S. Geological Survey 7.5 Minute Historic quadrangles:
[ ] U.S. Geological Survey 15 Minute Historic quadrangles:
[ ] USDA Natural Resources Conservation Service Soil Survey:
[ ] National wetlands inventory maps:
[ ] State/Local wetland inventory maps:
[ ] FEMA/FIRM maps (Map Name & Date):
[ ] 100-year Floodplain Elevation is: (NGVD)
[ ] Aerial Photographs (Name & Date):
[ ] Other photographs (Date):
[ ] Advanced Identification Wetland maps:
[ ] Site visit/determination conducted on:
[ ] Applicable/supporting case law:
[ ] Other information (please specify):

[1]Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).
[2]The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

NTTA.
NORTH TEXAS TOLLWAY AUTHORITY

April 4, 2007

The Honorable Laura Miller, Mayor
City of Dallas
Dallas City Hall
1500 Marilla Street, Room 5EN
Dallas, TX 75201-6390

Dear Mayor Miller:

In the Dallas Morning News article of November 17, 2006, the U.S. Army Corps of Engineers first made public its concerns with Alternative 3B, stating that the Parkway "...could've potentially violated the structural integrity" of the eastern levee. Subsequently, a host of questions are being asked, relating to the Trinity Parkway's viability, as well as the advisability of placing it in close proximity to the City's proposed system of parks, lakes and trails. As various elected officials have recently echoed these concerns and/or requested a re-consideration of Alternative 3B as the City's recommended alignment, I wanted to briefly summarize NTTA's position with respect to these discussions and the City's possible pursuit of a new alternative, our continuing close work with the USACE to resolve its concerns, and to address the misinformation which is being circulated about the project.

Unfortunately, questioning the need for the toll-road or its location is not a new phenomenon. As you recall, at the May 2002 Dallas City Council Trinity Workshop, the City Council elected to revisit the assumptions and results of previous NTTA / TxDOT studies, *to ensure that all alternatives have been assessed and that the resultant facility is compatible with the proposed levee park system.*

To ensure the objectivity of this reassessment, private funds were raised to support this study, with the reassessment being coordinated by three, independent, cooperating entities – The Dallas Plan, Dallas AIA and the Dallas Institute of Humanities and Culture. Ultimately, Chan Krieger and Associates, joined by Hargreaves & Associates and TDA comprised the consultant team, which became known as the Urban Design Team (UDT). In addition to developing a concept for a world-class park system, the UDT was charged with determining whether a roadway was necessary, and if so, had the previous studies located it properly. Over approximately a six month period, previous studies, assumptions

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214-461-2000

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and analyses were rigorously reviewed; this review was complemented by a series of workshops and roundtable discussions with NCTCOG, TxDOT and NTTA. *At the conclusion of this study, the UDT independently concluded that the road was needed and that the corridors under assessment by NTTA met this need.*

After an additional 12 months of study and approximately $1 million, the UDT, in conjunction with USACE, TxDOT, NCTCOG and NTTA developed Alternative 3B as an integral component of the Trinity River's Balance Vision Plan (BVP). The BVP's key objectives are: Economic & Community Development, Flood Control, Recreation and Open Space, Environmental Management and Multi-modal Transportation.

In April 2005, the Dallas City Council and the NTTA Board of Directors subsequently passed resolutions identifying Alternative 3B as their recommended locally preferred alternative. The Board recognized the early state of the Trinity Parkway's environmental evaluation and conditioned its recommendation of 3B to acknowledge that the alternative may require modification based upon: 1) the approval of various federal and state resource agencies, i.e., the USACE; 2) future events and / or; 3) changing environmental regulations.

The NTTA acknowledges that the USACE must approve any construction within the floodway. Since fall 2005, the USACE has been re-assessing its design guidelines. It is our understanding that the initial release of the new standards will not take place for approximately one year. In addition, this release will likely be in the form of incremental revisions, each release addressing a different floodway design aspect. The NTTA has already requested receipt of the new standards as soon as they are available. On an interim basis we continue to request direction from the USACE regarding certain aspects of floodway design so that we may adjust our design now to meet future criteria.

The purpose of the environmental documents currently being prepared is to provide the information needed by elected officials and the general public to make an informed decision regarding all of the alternatives considered, including Alternative 3B. One of the tenants of this federal process is to provide equal access to this information to everyone at the approximately the same time. Given the complexity of this project, the Draft Environmental Impact Statement (DEIS), released February 2005, alluded to the possible necessity of producing a supplemental document, in addition to DEIS and the Final Environmental Impact Statement.

Three environmental documents have been or will be prepared for the Trinity Parkway: the Draft Environmental Impact Statement (released February 2005), the Supplemental Draft Environmental Impact Statement (planned third quarter of 2007) and the Final Environmental Impact Statement (anticipated 2008). More information on hydraulics, cumulative and indirect effects, and other subject areas will be provided in the Supplemental DEIS, on all of the Alternatives. At that time, both the Dallas City Council and the NTTA Board of Directors will be asked to reaffirm or modify their support of Alternative 3B, or to recommend a different alternative.

From our latest conversations with the USACE, its floodway design standards will likely further minimize the viability of several alternatives in the DEIS. For instance, the requirement that any proposed construction be offset a minimum of 50 feet from the levee's toe of slope may make any of the landside alternatives much less desirable because of the far greater property acquisitions that would be required and more significant impacts to the sumps / drainage systems. In addition, the Industrial Blvd option, always the most expensive alternative, has seen even further development within the potential corridor, making right-of-way acquisition more disruptive to adjacent properties and certainly more expensive than originally projected.

As a partnering agency with the City, we are troubled that once again there seems to be an attempt to unilaterally remove the transportation element from the Trinity Balanced Vision Plan without regard to regional transportation needs and without identification of suitable alternatives to meet those needs. At the municipal level, such a move would also adversely impact several synergistic benefits a levee alternative offers both our agencies, such as NTTA's plan to excavate the lakes and use this material to form the bench for the Parkway – at an estimated value of $25 million.

The best project-related decision making is that conducted within the National Environmental Policy Act (NEPA) planning process. With nearly ten years of history of working with the City on this important and challenging project, we remain committed to working with the City and the project's cooperating agencies to implement a plan that best meets the needs of the city and the region.

Sincerely,

Jerry Hiebert
Acting Executive Director, NTTA

cc: NTTA Board of Directors
Michael Morris, NCTCOG
William Hale, PE, Dallas District, TxDOT

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

APR 30 2007

Programs and Project
Management Division

Honorable Laura Miller
Mayor of Dallas
1500 Marilla, Room 5EN
Dallas, Texas 75201

Dear Mayor Miller:

In recent weeks, several misstatements have been publicly attributed to the U.S. Army Corps of Engineers (Corps) regarding the Dallas Floodway/Trinity Parkway projects. The purpose of this letter is to identify and clarify or correct these statements.

The Dallas Floodway (Floodway) is a Federal Flood Protection project authorized by Congress and under the jurisdiction of the Corps. Prior to alteration or modification of the existing Floodway, the Corps must review and consent to the proposed alteration or modification to ensure that there is no adverse impact to either the structural or functional aspects of the Floodway which would, in any manner, diminish the level of protection provided by the Floodway to the City of Dallas (City). In addition to ensuring the integrity and function of the existing Floodway, the Corps is actively engaged in extending flood protection structures within the City and in studying the future flood protection needs of the City. The Corps (in partnership with City through an agreement with the North Central Texas Council of Governments) is currently studying the feasibility of improving the Floodway (channel and levees) to provide an enhanced level of protection to the City. Additionally, the Corps, through a cooperative agreement directly with the City, is constructing the Dallas Floodway Extension project (levee and a chain of wetlands) to extend the flood damage reduction, ecosystem restoration, and recreation features for the City along the Trinity River.

An Environmental Impact Statement (EIS) is currently being prepared for the Trinity Parkway (Parkway) as a cooperative effort by the City, North Texas Tollway Authority (NTTA), Texas Department of Transportation, and Federal Highway Administration. The purpose of the EIS is to identify and analyze the environmental impacts of an array of alternatives for a proposed action. The initial proposal from the City and NTTA was to construct the Parkway within the limits of the existing Dallas Floodway. In 1999, the

Corps advised the City and NTTA that current policies would not prohibit construction of a roadway within the limits of the Floodway, but that such alternatives would be subject to stringent technical criteria to ensure the level of protection provided by the Floodway would not be compromised. Alternatives for the Parkway have included locations inside and outside the existing Floodway. As the design details for the alternatives progressed, our level of concern regarding potential impacts to the integrity of the levee system increased, mainly due to proposed excavation and penetration of the levees in certain areas. In October 2006, the Corps informed the NTTA that the designs for alternatives reflecting construction of the roadway on the levee were unacceptable due to concerns with the effect of the roadway on the structural integrity of the levees and the ability of the Corps and other governmental agencies to access and maintain the levees. The NTTA was not advised how far off the levee the Parkway should be located. Instead, the distance off the levees is mandated by design features of the Parkway, including the spacing of the columns supporting the existing bridges across the floodway. While the requirements for approval of this project are challenging, the Corps and NTTA are committed to working towards acceptable and safe solutions for locating and designing this road in the floodway.

Regarding the potential for inundation of the Trinity Parkway in a flood event, let me provide additional information concerning the probability of such an event. The existing Floodway was designed to protect the city from an approximate 800-year flood. This flood frequency equates to a 1 in 800 chance of occurrence in any given year. The Parkway is being designed at a 100-year level of protection, meaning there is a 1 in 100 chance in any given year that the Parkway could be flooded. Furthermore, the Corps is requiring that the Trinity Parkway be additionally protected with two feet above the 100-year flood level. Since the level of flood protection afforded the Parkway is less than that provided by the levee system, it is possible that the Parkway could flood due to water contained in the Floodway by the levees. However, the last 100-year flood event was the 1908 flood of record.

The Corps has also advised the NTTA that, under the provisions of the contract between the Corps and the City for operation and maintenance of the existing Floodway, the City (acting as the operator and maintainer of the Federal project) has the right to remove portions of the Parkway, if it is required for repair or maintenance of the levee, or for flood fighting activities. The language is typical in all agreements and construction approval documents for projects being constructed within the limits of a Corps project. Although it is unlikely that removal of a portion of the Parkway will be required, the right to do so still exists if needed to ensure the Floodway system functions as authorized for flood protection and public safety.

It has been reported that due to levee failures during Hurricane Katrina, the Corps is developing a new set of standards for levees. That statement is not accurate. Although the Corps is re-evaluating the use and design of a certain type of flood wall, no new standards are being developed for the types of flood damage reduction measures (levees) in the existing Floodway project. Additionally, the NTTA has not requested a waiver of the standards for construction within the existing Federal project. We believe the confusion over this issue arose following release of a memorandum from the Corps Headquarters in October 2006, which clarified the procedures for approval of modifications to existing Federal projects nationwide. This memorandum identified the Chief of Engineers, and not the local District office, as the approval authority for any significant modification of a Federal project. This new construction approval process will ensure that proposed changes to the Dallas Floodway will not adversely affect flood protection for the City of Dallas.

Finally, I would like to address the relationship between the potential levee raise by the Corps, and the other projects within the Floodway. As stated earlier, the Corps and the City are studying the feasibility of improving the existing Floodway to provide a greater level of protection to the city of Dallas. The alternatives being evaluated for this improvement include, among other things, levee raises of varying heights. If the proper type of soil is found in the areas identified by the City for lake excavations, or in other areas of the Floodway, this soil could be used to raise the existing levees. However, if the soil in these potential excavation areas is found to be not suitable for the levee raise, the Corps would not be able to participate in these excavations. This determination will be made in the process of completing the Corps Feasibility Report

The final Corps Feasibility Report, which will identify the recommended plan for improvements to the Floodway for flood damage reduction purposes, is currently scheduled for completion in August 2008, with a Record of Decision in December 2008. Subsequent to the completion of the report, the project must be authorized and funded by Congress, and detailed design must be completed prior to the advertisement and award of a construction contract.

Thank you for the opportunity to clarify this information. Please contact Mr.Gene Rice, Project Manager at 817-886-1374 if you have any questions.

Sincerely,

Christopher W. Martin
Colonel, Corps of Engineers
District Commander

4 December 2007

David Morgan
Vice President
Halff Associates, Inc.
1201 North Bowser Rd.
Richardson, TX 75081

Dear Mr. Morgan:

I have reviewed the map for the Supplemental Draft Environmental Impact Statement. The project I coordinate does not survey this area, and we have not attempted to make any sightings there. Even though I have no records of sightings of interior least terns within the study boundary, the terns could potentially be nesting there. It should be noted that the area contains large sections that are industrialized and inaccessible to local bird watchers, so a lack of sightings cannot be interpreted to mean the birds are not present.

The two requirements for the least terns to nest in an area are a feeding source and a nesting source. The Trinity River is probably not a high-quality feeding source but the various local retention and stormwater ponds are. The study area does not appear to contain any sandbars, which are natural nesting sites. The terns in the greater Dallas area, however, nest at unnatural sites. We find terns nesting on top of various warehouses in northwestern Dallas County and southeastern Denton County. The one feature that is similar to all of the warehouses is that they have a gravel roof. It appears from the map that there are some areas that contain similar warehouses inside the study boundary. Surveys during late June or early July would be the best method to accurately determine whether the terns are nesting in the area.

Another consideration for interior least terns is that the construction activities could actually create nesting habitat, which could attract terns to the site. The terns like highly disturbed areas and frequently nest at active sand and gravel pits. The closest colony that nests on the ground is a mere 10 miles away. Monitoring of the construction site would be a prudent measure to ensure no harm comes to the species.

Sincerely,

Jeanette Boylan

Jeanette T. Boylan, Ph.D.
Zoologist
Dallas Zoo
650 South R. L. Thornton Fwy.
Dallas, TX 75203
Ph: 214-671-0774
Fax: 214-670-6717
jeanette.boylan@dallascityhall.com

Dallas District

Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

January 30, 2008

TEXAS DEPARTMENT OF TRANSPORTATION
DISTRICT NO. 18

FEB - 1 2008

STP ( )
Request for Coordination with USCG
for Exemptions
Dallas County
CSJ 0918-45-121

Trinity Parkway: From SH 183/IH 35E to US 175/SH 310

Janice W. Brown
Division Administrator
Federal Highway Administration
Austin, Texas 78701

Attention: Mr. Peter Chang

Dear Ms. Brown:

The North Texas Tollway Authority is preparing a Supplemental Draft Environmental Impact Statement for the Trinity Parkway project. Of the eight build alternatives being assessed, six alternatives are located along the Dallas Floodway levees, with five alternatives located on the river side of the levee (Alternatives 3A, 3B, 3C, 4A and 4B), and one alternative (Alternative 5) located on the land side of the levee.

Although the Trinity River is officially designated a navigable waterway, the upper portion of the Trinity River has never been developed, or used for that purpose. According to the United States Army Corps of Engineers (USACE), navigation on the Trinity River (known as the Trinity River Project) was authorized by the Rivers and Harbors Act of 1965, Public Law 89-289. A previous Trinity River Project included the construction of a multiple purpose channel along the river, from the Houston Ship Channel to Fort Worth, Texas.

Subsequent to this authorization, Congress requested a restudy of the navigation features of the Trinity River Project to reaffirm its economic feasibility. These studies indicated that the extension of the multiple purpose channel to any point upstream of Liberty, Texas (approximately 50 miles above the mouth of the river) was not economically feasible. Moreover, a bond election to finance the multiple purpose channel was defeated in 1973.

In 1981, a General Design Memorandum from USACE stated that the multiple purpose channel was not economically feasible upstream of Liberty; therefore, it was dropped from further design consideration. Presently, the multiple purpose channel is officially considered inactive. According to USACE, there are no further plans to develop the Trinity River as a navigation channel.

Accordingly, the Trinity River channel is not susceptible to use (in its natural condition or by reasonable improvement), as a means to transport interstate or foreign commerce. Moreover, the affected waterway is non-tidal and carries no navigation or shipping of any kind. Therefore, assuming the possible selection of one of the six levee alternatives, and pursuant to 23 U.S.C. 144(h), the selected levee alternative should qualify for exemption from the requirements imposed under 33 U.S.C. 401 and 525(b), and the lighting and signal requirements imposed under 33 CFR 118.40(b).

TxDOT requests that this letter and attachments be forwarded to Mr. Peter Chang so that he may coordinate with the USCG to receive the necessary (signed) exemptions. If you have questions, please contact Elvia Gonzalez at 416-2610.

Sincerely,

James P. Barta, Jr., P.E.
Director, Project Management Section
Environmental Affairs Divison

Attachments

EG:e
bcc: Dallas District
ERG

Reference: ENV 850

U.S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard
Hale Boggs Federal Building

500 Poydras Street, Room 1313
New Orleans, LA 70130-3310
Staff Symbol: dpb
Phone: (504) 671-2128
Fax: (504) 671-2133

16591C
13 November 2008

MEMORANDUM

From: David M. Frank
CGD EIGHT (dpb)

To: Hector Garcia, Assistant Bridge Engineer
Federal Highway Administration

RECEIVED ON
NOV 2 0 2008
TEXAS DIVISION
FHWA

Subj: STA ACT CONCURRENCE

1) Please refer to your letter dated 28 October 2008, regarding the Texas Department of Transportation's proposed project to construct a limited-access toll facility between the IH-35E/SH-183 and the US-175/SH-310 interchanges. Three of the proposed alternatives have bridge crossings over the Trinity River in Dallas County, Texas. You have determined that this project meets the criteria for the Surface Transportation Authorization Act (STAA) and qualifies for exemption from Coast Guard bridge permit requirements.

2) Section 144(h) of Title 23 U.S. Code was enacted in 1978 to reduce paperwork and related cost in the executive of the Coast Guard's bridge permit programs. This section has been amended by the Act of April 2, 1987 (Public Law 100-17), to further reduce paperwork and related costs in the permitting of bridges funded by this Act. By reason of this provision, certain bridges – which are constructed, reconstructed, rehabilitated, or replace with federal assistance imposed under Title 23 U.S. Code – are no longer subject to the permitting requirements imposed under 33 U.S.C. 401 and 525(b). The bridges which fall into this excluded category are those that cross waterways:

   (1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

   (2) which are: nontidal; or if tidal, used by vessels less than 21 feet in length.

3) Since FHWA has the responsibility for the STAA and based on the information provided by the Texas Department of Transportation, the Coast Guard accepts your determination that this bridge project meets the criteria for the STAA and is exempted from Coast Guard Bridge Administration purposes.

4) Based on your statement that no significant nighttime navigation occurs at these sites and pursuant to Title 33 of the Code of Federal Regulations, Part 118.40, the proposed project is hereby exempt from Coast Guard navigational lighting requirements. The later statute requires the establishment, maintenance, and operation of Coast Guard required lights and signals on fixed structures, including bridges. These exemptions are subject to review and revocation in the future provided conditions change or are found to differ significantly from those indicated in your request.

#

prj:D8Shares\dpb\Surface Transportation Act\STAA-TX\Trinity River, Trinity Parkway, Dallas County, 11-13-08

U.S. Department
of Transportation
**Federal Highway
Administration**

Texas Division

300 E. 8th Street, Room 826
Austin, Texas 78701

February 2, 2009

In Reply Refer To: HA-TX

STP ( )
Request for Section 4(f) Determination
Dallas County
CSJ 0918-45-121

Elvia Gonzalez
Project Management Section
Environmental Affairs Division
Texas Department of Transportation
Austin, Texas

Dear Ms. Gonzalez

Reference is made to your January 6, 2009 letter requesting Federal Highway Administration's (FHWA) determination regarding Section 4(f) applicability for the Trinity River Greenbelt Park in accordance with 23 CFR § 774.11. Previously FHWA was in receipt of the Trinity Parkway Dallas Floodway Ownership Research for the Trinity River Greenbelt Park and that documentation was reviewed in addition to the summary provided in the memorandum addressed to Ms. Noble from the Dallas District. The deed research from 2004 focused on the Stemmons parcel, land between Westmoreland Road and the Atchison Topeka & Santa Fe (AT&SF) Railroad Bridge. The Greenbelt land within this boundary meets the criteria for a joint development (reserved transportation use within a park) and therefore Section 4(f) requirements do not apply to use of this land.

The proposed alternatives do, however, appear to use land within the Greenbelt (actually Great Trinity Forest) that fall outside of the boundaries of the Stemmons deed (those lands to the south of the AT&SF bridge). We need clarification on 1) what the involvement of the alternatives (all that apply) that traverse land inside the Great Trinity Forest to the south of the AT&SF bridge will be (detailed ROW overlays that clearly show if land from within the Great Trinity Forest south of AT&SF bridge will be converted to a transportation use) and if land south of the AT&SF bridge from the Great Trinity Forest will be incorporated into the transportation project, 2) deed or other land ownership information that specifies the intended use/function for these lands. Depending on the information that would be provided it is possible that this section of the Great Trinity Forest may be subject to the requirements of Section 4(f).

Should you have any questions, please contact Anita N. Wilson at 512-536-5951.

Sincerely

Salvador Deocampo
District Engineer

Texas Department of Transportation
P.O. BOX 133067 • DALLAS, TEXAS 75313-3067 • (214) 320-6100

February 6, 2009

Omar Bocanegra
U.S. Fish & Wildlife Service
711 Stadium Drive, Suite 252
Texas Ecological Services Field Office
Arlington, TX 76011-6247

Re: Interior Least Tern Survey for Proposed Construction of the Trinity Parkway
Limits: IH 35E / SH 183
to US 175 / SH 310
Dallas, Dallas County, Texas
TxDOT CSJ: 0918-45-121

Dear Mr. Bocanegra:

Halff Associates, Inc., is preparing the environmental documentation for the proposed Trinity Parkway reliever route from IH-35E/SH-183 to US-175/ SH-310 in the City of Dallas, Dallas County, Texas, TxDOT CSJ 0918-45-121. This work is being prepared in accordance with FHWA regulations [23 Code of Federal Regulations (CFR) Section (§) 771] implementing the National Environmental Policy Act of 1969 (NEPA) and the regulations of the Council on Environmental Quality (40 CFR § 1500-1508).

In an effort to evaluate the proposed project's potential impact on the endangered Interior Least Tern, experienced staff from Halff Associates, Inc., conducted several surveys of the project area in July 2008. During their time in the field, they discovered no evidence of the Terns nesting or hunting in the project area. A summary of the surveys is enclosed for your reference.

It is our belief that the Terns are not utilizing the project area, and that the proposed project would not adversely affect this species (an effect call of "may affect, not likely to adversely affect"). At your convenience, please review the survey summary to assess whether you also concur. We appreciate your assistance and look forward to your response concerning this important project.

If you have any questions or require any additional information, please do not hesitate to contact Samantha Snavely with Halff Associates, Inc., at (214) 346-6394.

Thank you for your time and consideration in this matter.

Sincerely,

Stan Hall, P.E.
District Advance Project
Development Director

Based on the information provided, we concur with your determination that the proposed action is not likely to adversely affect any federally listed species.

Date 3-2-09

Consultation # 21420-2008-I-0408

Approved by: Tom Cloud

Thomas J. Cloud, Jr., Field Supervisor

U.S. FISH & WILDLIFE SERVICE, ARLINGTON, TEXAS

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F OUR TRANSPORTATION ASSETS

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Appendix A-2

Agency Correspondence Since the SDEIS (Feb. 2009)

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APPENDIX A-2

AGENCY CORRESPONDENCE SINCE THE SDEIS (FEB. 2009)

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DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

31 March 2009

Engineering and Construction Division

David F. Garcia, P.E., R.S.
Division Manager
Street Service Department
Flood Control District
2255 Irving Blvd.
Dallas, Texas 75207

Dear Mr. Garcia:

The Fort Worth District of the US Army Corps of Engineers (USACE) has completed a Periodic Inspection for the Dallas Floodway Project. Attached is the final inspection report. The overall purpose of a Periodic Inspection is to verify proper operation and maintenance; evaluate operational adequacy and structural stability at the authorized SPF+4 flood event; and, identify components and features to monitor over time. As a result of this inspection, the Fort Worth District has given each of the four levee systems which comprise the Dallas Floodway Project Unacceptable ratings, which means one or more items within each system are rated as Unacceptable and would prevent the system from performing as intended. The systems inspected are the East Levee and Channel, the West Levee, Rochester Levee, and the Central Wastewater Treatment Plant Levee. Some of the deficiencies identified include 1) underseepage concerns at the Dart Bridge, Woodall Rogers Bridge, and new jail construction, 2) underseepage, through seepage, slope stability, and accessibility concerns at various bridges, penetrations, and encroachments along the levees, 3) vegetation effects on stability, surveillance, and flood fighting, 4) mechanically-stabilized wall (MSE) and I-wall stability and seepage concerns at Rochester Levee, 5) the effects of severe desiccation and cracking of East and West levee soils in promoting deep slides and seepage concerns and, 6) the ability of levees to meet current USACE design criteria with respect to stability and seepage.

In 2006, the Fort Worth District submitted a letter, see attached, to Halff Associates in support of the levee certification efforts for the City of Dallas. Essentially this letter stated that the Dallas Floodway Project East and West levees met certification requirements. Based on the results of the Periodic Inspection and the deficiencies identified, the Fort Worth District can no longer support the 2006 letter as being the documentation on record for the certification of the Dallas Floodway Project for the purposes of the National Flood Insurance Program for the base flood event. We respectfully request that our 2006 letter no longer be used as part of the certification documentation.

Please contact Kevin Craig at 817-886-1473 or Les Perrin at 817-886-1694 with any questions or if you would like to schedule a meeting to discuss the finding in more detail.

Sincerely,

Brian Giacomozzi

BRIAN T. GIACOMOZZI, P.E.
Chief, Engineering and Construction Division
Dam Safety/Levee Safety Officer
Fort Worth District, USACE

Enclosure

Copy Furnished:
Mr. Frank Pagano
Mitigation Division Director
FEMA Region 6
800 N. Loop 288
Denton, TX 76209

U.S. Department of Transportation
Federal Highway Administration

Texas Division

300 E. 8th Street, Room 826
Austin, TX 78701-3255
Tel (512) 536-5950
Fax (512) 536-5990
texas.fhwa@dot.gov

June 24, 2009

In Reply Refer To:
HA-TX

Ms. Dianna F. Noble, P.E.
Director, Environmental Affairs Division
Texas Department of Transportation
125 E.11th Street
Austin, TX 78701

Subject: Trinity Parkway Project, Dallas, Texas

Dear Ms. Noble:

FHWA approved the Supplemental Draft Environmental Impact Statement (SDEIS) and Draft Section 4(f) Evaluation for the proposed Trinity Parkway (Parkway SDEIS) for further processing on February 19, 2009. A Notice of Availability of the SDEIS for public review and comment was published in the Federal Register on March 20, 2009, and a Public Hearing was held on Tuesday, May 5, 2009. Based on public requests, we have extended the end of the public comment period from May 15, 2009 to June 30, 2009.

The Parkway SDEIS was published before the U.S. Army Corps of Engineers (USACE) Fort Worth District and the City of Dallas released the Periodic Inspection Report, Dallas Floodway, Trinity River, Dallas, Dallas County, Texas (Report No. 9, 3-5 Dec, 2007). The April 1, 2009 Inspection Report cites deficiencies in four levee systems in Dallas, including segments of the Dallas Floodway East Levee adjacent to Trinity Parkway Alternatives 3A, 3B, 3C, 4A, 4B and 5, and segments of the Dallas Floodway West Levee adjacent to Alternatives 4A, 4B and 5.

Because the Parkway SDEIS was released prior to the USACE Periodic Inspection Report it did not include a discussion of the reported deficiencies and any impacts these might have on the Parkway alternatives. Nevertheless, the Inspection Report was acknowledged in the technical presentation at the May 5 Public Hearing. FHWA, Texas Department of Transportation (TxDOT) and North Texas Tollway Authority (NTTA) stated their intent to further study the reported levee deficiencies as they may relate to the Parkway alternatives, coordinate any effects to the proposed levee remediation plan, and present further information to the public regarding the Parkway and the levees prior to the Final EIS.

On May 18 and 19, 2009, representatives of the FHWA, USACE, the Federal Emergency Management Agency (FEMA), TxDOT, the City of Dallas, and NTTA participated in a workshop to discuss local and federal projects proposed along the Trinity River Corridor and how they relate to the Trinity River floodway, proposed parkway alternatives and the Trinity River levee system. This meeting allowed for the Federal Agencies to explain and discuss with the City of Dallas, NTTA and TxDOT, the federal processes for the proposed improvements including the required processes, activities and standards to be met for these projects.

As a result of discussions at these meetings as well as subsequent discussions with the federal agencies, the enclosed exhibit was developed. It memorializes the mutually agreed key tasks, assumptions, relationships and preliminary ("best case scenario") timelines of the action plan proposed for the Trinity River Corridor. Please note the enclosed exhibit is a working document and is subject to change. With respect to the Parkway Environmental process, in order to fully comply with NEPA, additional analyses, documentation and public involvement is required prior to recommendation of a preferred alternative and preparation of the Final Environmental Impact Statement (FEIS) and ultimately the selection of an alternative in the Record of Decision. It is important to note that the timeline shown on the enclosed exhibit makes assumptions based on the development of all Alternatives (No-Build, 2A, 2B, 3C, 4B and possibly 5) from the SDEIS so they are consistent with the Levee Remediation Plan being developed by the City of Dallas and the USACE.

As discussed at the aforementioned Dallas meetings, and as shown on the enclosed diagram, FHWA hereby requests TxDOT initiate a Limited Scope Supplemental (LSS) for an impact analyses to be performed on the alternatives for the proposed Trinity Parkway to supplement the current SDEIS.

The LSS is expected to include the following topics:

- The results of further studies related to the USACE Periodic Inspection Report for the Dallas Floodway, including any impacts of Parkway alternatives on levee remediation. The LSS will assess levee deficiencies and incorporate remedial actions based on the USACE Levee Remediation Plan (LRP). In the event the LRP substantially changes one or more of the alternatives in terms of scope, timing or cost, the scope of the LSS may need to be expanded to incorporate this new information.

- Information for each reasonable parkway alternative under consideration related to the "practicable"criteria which would be applied under Executive Order (EO) 11990 (wetlands) and EO 11988 & 23 CFR 650 Subpart A (floodplains).
- Information for each reasonable parkway alternative under consideration related to the "feasible and prudent" criteria which would be applied under 23 CFR 774 (Section 4(f) - parks, recreation areas, wildlife and waterfowl refuges and historic sites).

In regard to the second and third LSS bulleted items above, the LSS will not only include a Practicable (floodway) and Feasible and Prudent (4f) analysis, but also a Least Harm Analysis which FHWA will consider in making a decision regarding a recommended preferred alternative.

FHWA will not identify a preferred alternative in the LSS. Such recommendation will be made in the FEIS after public involvement has occurred so that this public input could be evaluated as part of the official FHWA recommendation.

The analysis presented in the LSS of each alternative's practicability as applied under EO 11990 and EO 11988 will be coordinated with the analysis of feasibility and prudence required under Section 4(f) for the least harm analysis. A "decision tree" will be collaboratively finalized between FHWA, TxDOT, USACE and the NTTA to facilitate these analyses.

Development of the LSS is intended to be compatible with the timelines for the various agency studies and actions shown on the enclosed diagram. The LSS release is anticipated to include a Public Hearing and comment period to allow public input regarding the topics listed above prior to any identification of a preferred alternative in a future FEIS by FHWA.

As noted in the SDEIS and expressed during the May 5 Public Hearing, the USACE has informed the project partners that Alternatives 3A, 3B, and 4A are not approvable. We understand that there is also some concern with the viability of Alternative 5 as well. FHWA is seeking (copy attached) written confirmation from the USACE regarding the viability of each of these alternatives, including the rationale for their determination on whether they are or are not approvable. This information must be included in the LSS. Once we have a response from the USACE we will finalize the alternatives that must be fully developed in the LSS.

Because the time lines established for agency tasks are optimal, and several of these tasks are interdependent, it is critical that there be continual communication between all parties. Assumptions that each party is using must be documented and verified so that individual agency documents are consistent and compatible. Any changes in the assumptions may require additional analysis and may impact assumed timelines for this effort. To that end, Janice Brown committed herself, the Director of Planning and Program Development, Mike Leary and me to attend the monthly Trinity Parkway meeting in Dallas. In addition FHWA along with USACE, TxDOT and NTTA are initiating Trinity Technical Working Group meetings to develop the LSS.

The FHWA remains committed to assisting NTTA and TxDOT in the further development of this important mobility project in North Central Texas.

If you have questions, require additional information, or if we can be of assistance in moving this process forward, please call.

Sincerely,

Salvador Deocampo
District Engineer

cc: Mr. Bill Hale, P.E., District Engineer, TxDOT Dallas District
Mr. Allen Clemson, Executive Director, NTTA
Mr. Kevin Craig, P.E., Acting Director TRCP, USACE Dallas
Ms. Cathy Gilmore, Chief Office of Planning and Coordination, EPA

U.S. Department of Transportation
Federal Highway Administration

Texas Division

300 E. 8th Street, Room 826
Austin, TX 78701-3255
Tel (512) 536-5950
Fax (512) 536-5990
texas.fhwa@dot.gov

June 24, 2009

In Reply Refer To:
HA-TX

Mr. William Fickel, Jr.
Chief, Environmental Division
CESWF-EV
Department of the Army
Fort Worth District Corps of Engineers
819 Taylor Street, Room 3A14
Fort Worth, TX 76102

Dear Mr. Fickel:

Reference is made to our meeting on May 18, 2009 between that Federal Highway Administration (FHWA), the U.S. Army Corps of Engineers (USACE), the North Texas Tollway Authority, the Texas Department of Transportation, and the city of Dallas. During this meeting we had discussions regarding which alternatives for the Trinity Parkway project are not considered viable by USACE. As you know alternatives 3C and 4B were developed to address USACE's concerns. However during the meeting it was mentioned that USACE had also objected to alternative 5.

We have since reviewed the information provided in your letter dated October 6, 2006 which included a September 27, 2006 enclosure with USACE's comments. In that enclosure there were several comments on the preliminary July 2006 Supplemental Draft Environmental Impact Statement (SDEIS) regarding the acceptability of alternatives 3A, 3B, 4 and 5.

Based on the responses to comments notebook accompanying the revised SDEIS titled "Response to Comments" dated October 2008, FHWA interpreted that the development of the two additional within floodway alternatives and refinements to alternative 5 had satisfied the outstanding issues outlined in your October 6, 2006 letter. These were responses to USACE comments for the July 2006 draft SDEIS (tab 1 IDs #384, 386-391, 398 and 400), and to the July 2008 revised draft SDEIS (tab 3 ID#s 2625 and 2649). We have enclosed a copy of your letter and the pertinent comments and responses for your reference.

In order to provide guidance in the development of the analysis for our supplemental study to the SDEIS and in the development by the city of the Levee Remediation Plan, we would like to

confirm that alternatives 3A, 3B, 4A (originally alternative 4), and 5 are not approvable by USACE and the rationale for that determination on each of the alternatives. However, if any of these alternatives, most notably alternative 5 could be viable with some adjustments we would like to know that as well. This information will be included in our Limited Scope Supplemental (LSS) document that will be developed to provide information on the Levee Remediation Plan and the Least Harm Analysis needed to comply with EO 11988 (Flood Plain Management), EO 11990 (Protection of Wetlands), and 23 CFR 774 Section 4(f).

We look forward to our continued team effort to work on the Trinity Parkway, levee studies and your upcoming environmental impact study for the levee improvements. Should you have any questions please feel free to contact me at 512-536-5950 or Ms. Wilson at 512-536-5951.

Sincerely,

Salvador Deocampo
District Engineer

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

SEP 15 2009

Programs and Project
Management Division

Mr. Salvador Deocampo
District Engineer, Texas Division
Federal Highways Administration
300 E. 8th Street, Room 826
Austin, Texas 78701-3255

Dear Mr. Deocampo:

This letter is in response to your letter to Mr. William Fickel, Jr., dated June 24, 2009, requesting confirmation and rationale for determination that the proposed Trinity Parkway alternatives 3A, 3B, 4A (originally alternative 4), and 5, as shown in the Supplemental Draft Environmental Impact Statement (SDEIS), are not approvable by the United States Army Corps of Engineers (USACE).

As noted in our letter dated October 6, 2006, our review of the information that was submitted noted significant issues with the alternatives as proposed. These issues were outlined in the letter and in the comments enclosed in that letter.

As acknowledged in the revised response to USACE Comment ID Numbers 2146, 2147, 2148 and 2149 (ID # 2625 in tab 3 of the enclosure to your June 24, 2009 letter), the revised SDEIS addressed some of the issues identified, but did not address all significant issues related to the referenced alternatives. Specifically, the revised responses addressed access for O&M, flood fighting and surveillance, and fences. However, the responses did not address the USACE issue that cuts, floodwalls and retaining walls will not be allowed that impact the existing or planned expansion of the Dallas Floodway or Dallas Floodway Extension levees. Instead, Parkway alternatives 3C and 4B were developed in an effort to avoid adverse impacts to the levees "...in order to carry forward at least two floodway alternatives the USACE would consider viable options." It is noted that no comparable revisions to alternative 5 were submitted that address the adverse impacts to the levees from this alternative.

Therefore, Trinity Parkway alternatives 3A, 3B, 4A and 5, as presented in the SDEIS, cannot be supported and approved by the USACE. If the Federal Highways Administration chooses to pursue resolution of these issues through further revision of the alternatives, we welcome the opportunity to continue our coordination efforts.

Thank you again for the opportunity to cooperate in the interagency coordination on the Trinity Parkway Environmental Impact Statement. If you have any questions concerning the comments, please contact me at 817-897-1339.

Sincerely,

Kevin L. Craig, P.E.
Director
Trinity River Corridor Project

U.S. Department
of Transportation
Federal Highway Administration

Texas Division

300 E. 8th Street, Room 826
Austin, TX 78701-3255
Tel (512) 536-5951
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In Reply Refer To:
HA-TX

Trinity Parkway Alternatives
Response to Federal Highway Administration

Ms. Dianna Noble, P.E.
Dir, Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

Dear Ms. Noble:

Reference is made to a letter dated September 15, 2009 (enclosed) from Kevin Craig from the U. S. Army Corps of Engineers (USACE) as a response to our letter dated June 24, 2009 requesting confirmation from USACE that Alternatives 3A, 3B, 4A, and 5 were not approvable by USACE. Mr. Craig's letter indicates that 3A, 3B and 4A are not approvable by USACE and that 3C and 4B were refinements made to address USACE's comments. However, USACE points out that Alternative 5 still had potential outstanding issues from USACE's perspective, but a refinement of the alignment was never presented nor discussed.

In order to confirm that Alternative 5 is no longer approvable, we are requesting that Alternative 5 be further reviewed to see if Alternative 5 can be refined to address USACE's comments. In order to attempt to maintain the schedule of deliverable deadlines, FHWA would appreciate this requested information as soon as possible. Should you have any questions, please contact Anita Wilson of my staff at 512-536-5951.

Sincerely,

Salvador Deocampo
District Engineer

Enclosure

Texas Department of Transportation
DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

December 10, 2009

NH ( )
Response to FHWA Letter
Dallas County
CSJ 0918-45-121

Trinity Parkway: From IH 35E/SH 183 to US 175/SH 310

Janice W. Brown
District Administrator
Federal Highway Administration
Austin, Texas 78701

Attention: Sal Deocampo

Dear Ms. Brown:

This letter is in response to a letter from Kevin Craig of U.S. Army Corps of Engineers (USACE) dated September 15, 2009 and subsequent letter from Mr. Sal Deocampo of your staff received September 18, 2009 (attached) regarding the compatibility of Trinity Parkway SDEIS Alternative 5 to USACE comments. Of particular concern expressed in your letter were issues "...that cuts, floodwalls and retaining walls will not be allowed that impact the existing or planned expansion of the Dallas Floodway." This letter documents the efforts to avoid these impacts by modifying Alternative 5 location and/or geometry.

This investigation identified two major areas of concern that could not be modified to meet USACE comments without causing major impacts to other properties. The first issue is the limited spacing between the east levee and the Lew Sterrett Justice Center between Commerce Street and the Union Pacific Railroad. The second major issue is the impact to adjacent sumps at underpasses of major cross streets, including Hampton Rd and Sylvan Ave. These issues are discussed in more detail in the following paragraphs, and shown in attached plan/profile Figures 1 through 3.

Trinity Parkway Alternative 5 (Figures 1 & 2) – At the Hampton Rd. and Sylvan Ave. crossings, the roadway, in its current location, is constrained by the Hampton Rd. bridge and the Sylvan Ave bridge, and cuts into the existing levee. If the proposed Alternative 5 main lanes were kept in the current horizontal location and the profile were raised to avoid cuts into the levee, there would be inadequate clearance between Alternative 5 and the Hampton Rd./Sylvan Ave. bridges. If the proposed roadway were realigned away from the levee so that there was no cut into the levee, there would be a major impact to the drainage sumps running along the backside of the levees.

Trinity Parkway Alternative 5 (Figure 3) - At the Commerce St crossing, the proposed vertical alignment shows the roadway going under Commerce St. with retaining walls being on either side of the proposed roadway. The walls were necessary to retain the area filled between the Lew Sterrett Justice Center and the existing levee. This fill extends up to the top of the existing levee. Our assumption was that the levee template included a theoretical slope on the landside of the levee. In the SDEIS location, the proposed Alternative 5 alignment cuts into the east levee template. To modify the alignment where the east levee template is unaffected would mean shifting the alignment to the northeast towards the Lew Sterrett Justice Center. There is only approximately 45' between the roadway in its current location and the closest wall of the Justice Center. Shifting the roadway would impact the two high-rise towers of the Justice Center. Modification of the Alternative 5 profile to overpass Commerce St. would be constrained by the close proximity of the UPRR bridge to the north, and the proposed Reunion Gateway and IH 30 to the south. Due to the close proximity of the other bridges upstream and downstream, the Alternative 5 profile would need to stay elevated from just north of the Continental Blvd. bridge to just south of the IH 35 Bridges (nearly two miles). No practicable alternative was found to avoid the impacts to the levee in this area and not impact either the Lew Sterrett Justice Center or the adjoining bridges.

If you have any questions or require additional information, please contact Elvia Gonzalez at 416-2610.

Sincerely,

Dianna F. Noble, P.E.
Director of Environmental Affairs Division

Attachments

cc: Mr. Bill Hale, P.E., District Engineer, TxDOT Dallas District
Mr. Allen Clemson, Executive Director, NTTA
Mr. Kevin Craig, P.E., Director TRCP, USACE
Ms. Cathy Gilmore, Chief Office of Planning and Coordination, EPA

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

DEC 18 2009

CESWF-PM

Ms. Janice Brown
Division Administrator, Texas Division
Federal Highways Administration
300 E. 8th Street, Room 826
Austin, Texas 78701-3255

Dear Ms. Brown:

The U.S. Army Corps of Engineers' (USACE) "Position Paper on Implementation of Executive Order 11988 Floodplain Management and 'Practicable Alternatives' Analysis for the Trinity Parkway Project" is enclosed.

This document was developed based on review of the Supplemental Draft Environmental Impact Statement (SDEIS) for the Trinity Parkway Project, and presents the criteria which the USACE feels is critical in an analysis under the subject Executive Order (EO). The document is intended to promote and ensure consistency in our two agencies' approaches to complying with the EO. We request incorporation of these criteria into the analyses being conducted for the Limited Scope Supplement (LSS) to the SDEIS.

We appreciate the opportunity to collaborate on a common framework for this analysis, and look forward to continued coordination on this important project. If you have any questions, please feel free to contact Mr. Kevin Craig, at (214) 671-9830 or at (817) 897-1339.

Sincerely,

Encl

RICHARD J. MURASKI, JR.
Colonel, EN
Commanding

Copy Furnished:
Michael Fallon, Southwestern Division
Jill Jordan, Assistant City Manager, City of Dallas

Printed on Recycled Paper

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

Position Paper on Implementation of Executive Order 11988 Floodplain Management and "Practicable Alternatives" Analysis for the Trinity Parkway Project
December 10, 2009

Purpose

The goal of this paper is to more fully explore the District's obligations under Executive Order (E.O.) 11988 and the Engineer regulations implementing the Order. The paper will explain the practical alternatives analysis required by both the Order and Regulations. It will also address the Federal Agencies' (the Corps and Federal Highways Administration) regulations, a comparison of the requisite analyses, issues that must be examined for the Corps practicability determination, and specific items recommended for inclusion in FHWA's Limited Scope Supplement (LSS) in order to facilitate consistent analyses between the agencies.

I. BACKGROUND

Two Federal Agencies, the Corps and the Federal Highways Administration (FHWA) are attempting to complete separate but cooperative Environmental Impact Statements (EIS) and Records of Decisions (ROD) that include consideration of the proposed Trinity Parkway to relieve traffic congestion in the city of Dallas. The scope of FHWA's EIS/ROD is limited to consideration of alternative alignments to the Trinity Parkway. Of these alignments five are located primarily within the Trinity River floodway which is a federally authorized flood protection project. Two of the proposed alternatives are located along Industrial Boulevard outside the limits of the floodway. Though no preferred alternative has been officially endorsed by either federal agency, the proposed tollway itself is commonly known as the "Trinity Tollway" or "Trinity Parkway." The City of Dallas and the North Texas Tollway Association favors one of the floodway alternatives (3C) and it is further along in design detail than the other alternatives.

The scope of the Corps EIS/ROD for the Dallas Floodway Project includes five elements: Levee Remediation Plan (LRP); Flood Risk Management (FRM); Balanced Vision Plan (BVP); Interior Drainage Plan (IDP); and Locally Preferred Project features (LPPF) which include the Trinity Parkway and other proposed floodway modifications (i.e. bridge replacements, etc). The LPPF's are included because the Corps must approve them in accordance with 33 USC 408. The other elements are authorized by Section 5141 of the Water Resource Development Act of 2007. The Corps intends to cooperate with FHWA in identifying a Trinity Parkway alignment that will be considered in the Corps EIS.

The Trinity Parkway has garnered constant publicity and extreme political scrutiny. Additionally, the studies necessary to even consider the project require a great deal of time and money. All of these pressures have led to challenges for the Agencies' cooperative analyses. One of the most fundamental complications, however, has been the differences between the agencies' jurisdiction, priorities, and requirements for analysis. Both agencies are required to consider the project's affect on the floodway and other environmental resources. However, the agencies' authorizing statutes, rules and policies appear to place different emphasis on the relative priority of these resources.

II. EXECUTIVE ORDER 11988

Both the Corps and FHWA are required to consider E.O. 11988 on Floodplain Management. That Order was issued "in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of

floodplain development wherever there is a practicable alternative." E.O. 11988 Floodplain Management, 42 F.R. 26951, May 24, 1977.[1] E.O. 11988 is applicable to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*), the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975), the Coastal Barrier Resources Act of 1982 (Public Law 97-348), and the Coastal Barrier Improvement Act of 1990 (Public Law 101-591; 104 Stat. 2931). The Order requires agencies to consider alternatives to actions within a floodplain. If an action is to be placed in a floodway, the head of the agency must determine placement within the floodway is the only practicable alternative. The agency must then design its action to minimize harm to and within the floodway and circulate a notice explaining why the action is proposed to be located within the floodway.

Engineer Regulation (E.R. 1165-2-26) contains the Corps's policy and guidance for implementing E.O. 11988. Federal Highway Administration (FHWA) rules on floodplain encroachment are contained in 23 C.F.R. Part 650, Subpart A, Location and Hydraulic Design of Encroachments on Flood Plains.

According to E.R. 1165-2-26, the Corps must first determine whether there are practicable alternatives to placing a proposed project in a floodplain. E.R. 1165-2-26 defines "practicable" as "capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology." E.R. 1165-2-26(4)(i).

> The decision on whether a practicable alternative exists will be based on weighing the advantages and disadvantages of flood plain sites and non-flood plain sites. Factors to be taken into consideration include, but are not limited to, conservation, economics, aesthetics, natural and beneficial values served by flood plains, impact of floods on human safety, locational advantage, the functional need for locating the development in the flood plain, historic values, fish and wildlife habitat values, endangered and threatened species, Federal and State designations of while and scenic rivers, refuges, etc. and, in general, the needs and welfare of the people.

E.R. 1165-2-26(7). This analysis must be conducted both for the project proposed in the floodplain and any development expected to result from the project being placed in the floodplain. The analysis must include alternatives such as placing the proposed project outside the floodplain, using other means to achieve the purpose of the proposed project, and taking no action. If a determination that no alternative to the flood plain exists, "it will be appropriately documented and the features or qualities of the flood plain that make it advantageous over alternative non-flood plain sites shall be described and adequately supported."

III. SECTION 4(F) - Parks, Recreation areas, Wildlife and Waterfowl Refuges, and Historic Sites

FHWA is subject to Section 4(f) of the Department of Transportation Act of 1966 and its various amendments, codified at 49 U.S.C. § 303. This statute, however, does not apply to Corps's analyses or determinations. Although Section 4(f) is not applicable to the Corps and its decision making, the Corps is required to comply with Section 106 of the National Historic Preservation Act (33 C.F.R. 320.4) and this will be incorporated into the Dallas Floodway EIS. If adverse effects to eligible historic properties are identified, the Corps must consult with other parties to develop and evaluate alternatives or modifications to the action that could avoid, minimize, or mitigate the adverse effects. Therefore, it

[1] A draft Executive Order designed to strengthen E.O. 11988 has been circulated by the White House. Taryn Luntz, "Draft Executive Order Aims to Curb Floodplain Development." *The New York Times*, (July 21, 2009), http://www.nytimes.com/gwire/2009/07/21/21greenwire-draft-executive-order-aims-to-curb-floodplain-64438.html. If implemented, agencies will be required to amend their existing regulations and procedures within one year of the date of the new E.O. Current regulations will remain in place until amended or replaced.

would be prudent for the Corps and FHWA to agree on the eligibility of historic properties and the affect of the Trinity Parkway alignments on these properties so the Corps determinations under Section 106 compliance are consistent with FHWA determinations under Section 4(f). This is critical in order to support the consideration of a specific floodway alignment in the Corps EIS.

The unaltered statute is included in Appendix A for the reader's convenience immediately below. Two FHWA regulations the Corps believes are relevant to this paper are also included, in Appendix B and Appendix C.

IV. COMPARATIVE ANALYSIS

The Trinity Tollway presents a unique situation for the cooperating agencies. Several alignment alternatives are located within the floodway. If a floodway alternative is proposed, the Corps must determine there is no other practicable alternative to the floodway. Comparatively, FHWA is subject to 33 U.S.C. 303 (section 4(f)) and its associated regulation. This regulation appears to be more stringent than Section 106 of the NHPA or the Corps's EO 11988 regulations concerning protection of historic sites. Therefore, if the 4(f) analysis leads to a floodway alternative, based on avoidance of adverse affects to historic properties, it may conflict with the Corps E.O. 11988 practicability determination, which places emphasis on protection of floodplain values.

The Corps regulation is specific regarding what environmental factors must be analyzed in "weighing the advantages and disadvantages of flood plain sites and non-flood plain sites." Therefore, we have reviewed the analyses included in FHWA Trinity Parkway SDEIS and made recommendations for additional information and analyses to be completed for FHWA's Trinity Parkway Final EIS. This will support the consideration of a specific floodway alignment in the Corps EIS and avoid a conflict between the agencies' determinations.

V. RECOMMENDED ADDITIONAL ANALYSIS FOR FHWA LSS NECESSARY TO SATISFY CORPS PRACTICABILITY ANALYSIS

USACE guidance ER 1165-2-26 specifies that all reasonable factors should be taken into consideration when determining practicability. These factors are: conservation; economics; aesthetics; natural and beneficial values served by flood plains; impact of floods on human safety; locational advantage; the functional need for locating the development in the flood plain; historic values; fish and wildlife habitat values; endangered and threatened species; Federal and State designations of wild and scenic rivers, refuges, etc.; and in general the needs and welfare of the people. The resources considered in the SDEIS have been sorted into these factors and recommendations for additional information and analyses to be included in the Trinity Parkway LSS are provided to enable the Corps to determine if there is a practicable alternative to placing the tollway in the floodway.

1) Conservation: includes Section 4.19 "Energy Requirements" and Section 4.22 "Irreversible and Irretrievable Commitments of Resources" from the SDEIS. In addition, information contained in Section 4.4 "Transportation" should be used as an indication of fuel consumption based on various measures of alternative effectiveness (i.e. vehicle miles traveled, vehicle hours traveled, average speed, congestion delay).

2) Economics: includes Section 4.6 "Economic Impacts" from the SDEIS. The SDEIS identified estimated construction costs for each alignment and assessed affects to state, regional, and local economies based on these construction expenses. The USACE recommends that an up-dated analysis of the availability of suitable fill material from proposed excavation in the

floodway be conducted based on recent soil boring data. The amount of suitable fill material required for levee remediation and flood risk management measures should be estimated and a determination made if additional suitable fill material is required for the Parkway alternatives. If so, the estimated costs of providing this additional material should be included in the alternatives' construction costs.

The annualized cost of actions associated with the effects of a flood event greater than the 100-year on the floodway alternatives (see item 5) should be included in operation and maintenance costs.

The SDEIS also estimated the amount of tax value/revenue that would be lost with implementation of each alternative. However, the SDEIS did not differentiate among alternatives, the affect of induced development on the local, regional, or state economies and rated all alignments as having "moderate" affects. This is probably adequate for USACE assessment of practicability under ER 1165-2-26.

3) Aesthetics: includes Section 4.16 "Visual Impact Analysis" from the SDEIS. This is a qualitative and quantitative assessment for the proposed alignments that classify the number of visual intrusions/impacts as "none", "strong", "moderate", or "weak". This assessment methodology appears adequate, but USACE recommends the LSS clarify how the final overall visual impact from each alternative was determined (i.e., averaging all impacts, weighting for some impacts, numerical tally of impact type?).

4) Natural and Beneficial Values Served by Floodplains: includes Section 4.1 "Land Use Impacts", Section 4.8 "Impacts To Waters of the U.S. Including Wetlands", Section 4.11 "Topography Geology and Soils", Section 4.12 "Water Quality Impacts", and Section 4.13 "Floodplain Impacts" from the SDEIS. Section 4.13 addressed potential floodplain impacts from FEMA flood mapping zones for each alternative and also provided a summary of impacts to the 100-year and SPF hydraulic criteria contained in the 1988 Regional EIS, Trinity River and Tributaries (TREIS). The USACE recommends that hydraulic modeling (in accordance with the Corps Trinity Parkway Hydraulic Modeling Position Paper) of all proposed actions (i.e. Levee Remediation, Balance Vision Plan (BVP), Interior Drainage, and Locally Preferred Project Features) within the floodway would ideally be included in the LSS to assess affects on the TREIS ROD criteria. However, in deference to FHWA's scope of the LSS, USACE understands this will be included in the FEIS. FHWA understands this will be completed in the USACE's comprehensive analysis and the results may require changes in FHWA's practicability and Section 4(f) analyses.

Section 4.12 indicates that runoff abatement measures will be included in all alternatives to avoid adverse effects to aquatic life resulting from highway pollutants and the estimated cost of these measures appear to be the same for all alternatives. Recommend the LSS analyze whether there would be greater need for these measures for the floodway alternatives since there are no existing sumps that would capture pollutants. If so, the estimated cost of providing runoff abatement measures for the floodway alternatives should be included.

5) Impact of Floods on Human Safety: The SDEIS did not specifically analyze the affects of a flood event greater than the 100-year on the alternatives in the floodway. Recommend this be completed for the LSS to include emergency closure operations, affects to alternate transportation routes, and cleanup and repair actions. The estimated cost of this should be included in the operation and maintenance costs for the alternatives in the floodway. Additional items that need to be addressed include: (1) the potential for increased risk to both the flood risk management and transportation missions if the Trinity Tollway serves as a functional component of flood

protection; 2) the effect of linking the two missions on the Corps's ability to perform emergency operations and maintenance actions on flood risk management features; and 3)the effect of the flood risk management mission on the transportation mission, considering the flood risk management mission has precedence and priority over all other actions within the floodway.

6) Locational Advantage: includes Section 4.2 "Coordinated Planning and Design" from the SDEIS. This section describes the cost savings and synergy that would occur primarily between the within floodway alternatives and other proposed projects such as the BVP, AT&SF Railroad Bridge, Floodway Levee Raise, and DFE. Recommend discussion of advantages to levee remediation be also included.

7) Historic Values: includes Section 4.7 "Cultural Resources and Parklands" from the SDEIS which includes identification and impact assessment for the proposed alternatives. The USACE recommends development of more detailed historic contexts with specific local themes in order to more effectively evaluate properties. For example, USACE recommends consideration of the entire Trinity floodway (e.g., bridges, levees, sumps/pumps) as a historic district due to the significant continuity of these structures united by physical development over time.

8) Fish and Wildlife Habitat Values / Threatened and Endangered Species: includes Section 4.9 "Water Body Modification; Vegetation and Wildlife Impacts" from the SDEIS. Quantitative assessments of impacts to woodlands, aquatics, and grasslands are provided. Discussion on potential impacts to Threatened and Endangered Species is also provided. No additional data is recommended for inclusion in the LSS to meet USACE requirements.

9) Federal and State Designations of Wild and Scenic Rivers / Refuges: Since the Trinity River is not designated as a Wild and Scenic River, the SDEIS did not assess potential alignment impacts for this resource category and no additional data is recommended for inclusion in the LSS to meet USACE requirements.

10) Needs and Welfare of the People: includes Section 4.3 "Social Impacts", Section 4.4 "Transportation", Section 4.5 "Relocations and Displacement Impacts", Section 4.14 "Air Quality Impacts", Section 4.15 "Noise Impacts", Section 4.17 "Hazardous Regulated Materials", Section 4.18 "Utilities" and Section 4.20 "Temporary Impacts During Construction" from the SDEIS.
To meet USACE guidelines, recommend a reasonable attempt is made to avoid, minimize, and mitigate for social impacts for all of the proposed alignments (i.e. realignment below DART Bridge of 2A and 2B to avoid social affects.)
The USACE recommends that a Phase 1 ESA (ASTM 1527-00) be completed in order to better judge the potential effects of each alternative on Hazardous Regulated Materials. Depending on the outcome of the Phase 1 ESA follow up Phase 2 investigations are also recommended.

11) Functional Need for Locating Development in the Floodplain: There does not appear to be a functional need for locating the tollway in the floodway.

The decision on whether a practicable alternative exists will be based on weighing the advantages and disadvantages of flood plain sites and non-flood plain sites using factors 1-10 above. If a determination is made that no practicable alternative to undertaking an action in the flood plain exists, the decision must be appropriately documented and the features or qualities of the flood plain that make it advantageous over alternative non-flood plain sites shall be described and adequately supported. The public notice and statement of findings should include all of the items identified above.

U.S. Department of Transportation
Federal Highway Administration

Texas Division

300 E. 8th Street, Room 826
Austin, TX 78701-3255
Tel (512) 536-5900
Fax (512) 536-5990
texas@fhwa.dot.gov

April 15, 2010

In Reply Refer To:
HB-TX

Trinity Parkway: From IH 35E/SH 183 to US 175/SH 310
Dallas County
CSJ 0918-45-121

Ms. Dianna F. Noble, P.E.
Director of Environmental Affairs
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701

Dear Ms. Noble:

Reference is made to your letter dated December 10, 2009 documenting efforts to refine the Trinity Parkway Supplemental Draft Environmental Impact Statement (TP SDEIS) Alternative 5. As previously noted by the United States Army Corps of Engineers (USACE), Alternative 5, as presented in the SDEIS could not be supported by the USACE. Your letter summarizes efforts to avoid the impacts and concerns that USACE previously pointed out. You letter concludes that attempts to realign and/or modify Alternative 5 (to a similar/equal level that Alternatives 2, 3 and 4 were modified) would eliminate the alternative's ability to address project need and purpose or would result in subsequent extraordinary impacts to existing bridges and buildings along the corridor.
As a result of our review of the information provided we had additional questions that were forwarded via email to Elvia Gonzalez of your staff on January 20, 2010. In response to our questions the attached responses were provided from the consultant via email on March 11, 2010. At this time we cannot conclude that Alternative 5 is dismissible based on those responses. Specifically we have follow up questions regarding the responses provided:

Response to Question #1: *Moving the alignment to go over the cross streets would require substantial displacements.* What is "substantial?" What is this compared to? What is the relative increase versus the amount of relocations (and what types) associated with other alternatives still under consideration?

What is the magnitude as compared to other alternatives? The response you provide should include some quantifiable data.

Response to Question #2: *Completion of Alternative 5 on the landside of the west levee would impact environmental justice neighborhoods.* What does this mean? More detail and clarification is needed. Does it mean additional relocations (and if so what types), taking of employment or institutional/community centers, noise or visual intrusions? When it states it would require two full crossings of the floodway, does that mean that a completely landside alternative would need to cross the levees twice? Does that mean crossing both the east and west levees once or crossing the west levee twice?

Response to Question #3: *Sumps could be moved within limits but would require acquiring other adjacent lands which have been developed.* No cost estimate is provided. What is the approximate number of relocations (and what types)? By how much does this increase the total relocations and how do the relocations compare to other alternatives still under consideration?

Response to Question #4: *Modifying the relocation of Alternative 5 would require the relocation of the Lew Sterrett Justice Center.* What is the basis for the $68 million cost? Is it fair to assume that the issues involved in the relocation would be comparable here? If so, we may be able to accept the $68 million as a low estimate for the Lew Sterret Center relocation. These costs should be referenced to the overall magnitude of the impact as compared to other alternatives.

Response to Question #5: *The realignment of Alternative 5 would have impacts to vacant land anticipated for redevelopment.* This does not appear to be an issue and therefore is not a valid reason to dismiss the alternative. The location of a proposed overlook can be changed or modified.

In summary, the responses to questions 1 thru 4 were too limited for FHWA to make an informed decision regarding Alternative 5. The responses did not provide the needed data in any order of magnitude to assist us in consideration of these changes. We require this information as detailed above to put Alternative 5 in perspective with respect to the remaining alternatives. Additional information is required in order to adequately evaluate whether Alternative 5 can be modified to address the USACE's concerns or if it should be dismissed with justification.

Should you have any questions, please contact Anita Wilson at 536-5951.

Sincerely yours,

Salvador Deocampo
District Engineer

Enclosure
Cc: Kevin Craig, USCOE w/enclosure

MEMORANDUM

TO: Lindsey Kimmitt
Environmental Affairs Division

Date: May 11, 2010

FROM: H. Stan Hall, P.E.

Originating Office:
Advance Project Development

SUBJECT: Section 4(f) Evaluation
CSJ: 0918-45-121
Trinity Parkway: From SH 183 / I-35E to US 175 / SH 310
Dallas County

In a letter dated February 2, 2009, the Federal Highway Administration (FHWA) issued a determination that Section 4(f) requirements (49 U.S.C. 303) do not apply to the use of land for the proposed Trinity Parkway within the Trinity River Greenbelt Park between Westmoreland Road and the Atchison Topeka & Santa Fe (AT&SF) Railroad Bridge. However, the letter indicated clarification was needed on the involvement of the Trinity Parkway Build Alternatives within the area known as the "Great Trinity Forest" to the south of the AT&SF Railroad Bridge, and specific information was needed concerning the intended use and function for these lands in order to determine if the area may be subject to Section 4(f). The February 2009 Supplemental Draft Environmental Impact Statement (SDEIS) and Draft Section 4(f) Evaluation provided a history of park and recreational planning in the study area and considered whether Section 4(f) applied to the Great Trinity Forest lands potentially affected by the Trinity Parkway Build Alternatives. The following paragraphs and enclosed documentation provide additional information necessary to support a Section 4(f) applicability determination by the FHWA regarding the Great Trinity Forest.

The Great Trinity Forest is a generic name that refers to approximately 6,000 to 7,000 acres of land deemed the largest urban bottomland hardwood forest in North America that is planned for multiple uses including flood control, ecosystem restoration and mitigation, recreation, and parkland. The Great Trinity Forest roughly includes the Trinity River main stem floodplain lying between the AT&SF Railroad Bridge downstream to Interstate Highway (IH) 20 and the White Rock Creek floodplain upstream from the Trinity River to IH 30. Within this area, approximately 4,600 acres are forested and the remaining acreage is primarily grassland and urban areas. There are eight existing parks totaling approximately 1,980 acres located within the Great Trinity Forest. These include Moore Park, Rochester Park, Devon-Anderson Park, Genaro Park, Joppa Preserve, McCommas Bluff Park, Whiterock Creek Greenbelt, and a greenbelt park at IH 20 between the Trinity River and Dowdy Ferry Road. An overview map is enclosed showing the suggested boundaries of the Great Trinity Forest and the existing parks within this area, based on information available from the City of Dallas (see enclosed "Great Trinity Forest – Overview" map). The map also shows the Great Trinity Forest in relation to the proposed ROW for the Trinity Parkway Build Alternatives. The proposed alternatives do not encroach upon any existing publicly owned parks, recreation areas, or wildlife/waterfowl refuges

within the area considered to be the Great Trinity Forest. However, because the City's plans for the area include these types of uses and because the FHWA has requested additional information, potential Section 4(f) applicability has been examined further.

As discussed in the SDEIS, *The Great Trinity Forest Master Plan* approved by the Dallas City Council in March 1997 proposes recreational development and outlines the acquisition and preservation of bottomland hardwood forest within the area, much of which is privately owned. The City's goal for land acquisitions is over 2,500 acres, which would knit together the existing public parks and open space into a vast, contiguous corridor of public lands. This master planning effort was built upon many previous studies and plans for the Trinity River Corridor and is designed to work within the context of these plans, including flood control improvements proposed by the U.S. Army Corps of Engineers (USACE) and transportation projects such as the Trinity Parkway (proposed action). Real estate acquisition in the Great Trinity Forest is ongoing.

One of the key elements to Section 4(f) applicability is public ownership. In fact, for parks, recreation areas, and wildlife and waterfowl refuges, Section 4(f) property by definition means "publicly owned land" that must also be formally designated as one of the enumerated types and determined to be significant for such purposes [23 Code of Federal Regulations (CFR) §774.17]. Simply meeting the criteria of formal designation and significance does not pass the test. According to the FHWA *Section 4(f) Policy Paper*, Section 4(f) is not applicable to privately held properties planned for park or recreation purposes, even though they may be formally incorporated into a public agency Master Plan. An analysis of case law is also instructive on the issue of whether private property "planned" for park or recreational uses is subject to Section 4(f). In Nat'l Wildlife Fed'n v. Coleman, 529 F.2d 359 (5th Cir. 1976), the court determined that for Section 4(f) to apply to certain lands at issue in the case they had to be publicly owned. In Davis vs. Mineta, 302 F.2d 1104 (10th Cir. 2002), two separate parks were planned within areas potentially affected by a highway project. One of the planned park areas was partially owned by private landowners and partially by the state. The second area was planned in a municipal master plan to be parkland, but the lands were privately owned. The courts found that the privately owned land did not qualify for Section 4(f) protection. Only the portions of planned park that were publicly held by the state were subject to Section 4(f).

According to 2009 Dallas Central Appraisal District records and information provided by the City of Dallas on recent acquisitions, 439 parcels (out of 830 parcels) totaling approximately 4,581 acres are publicly owned (i.e., city, county, and state ownership) in the area considered to be the Great Trinity Forest (roughly 76 percent of the total area). The majority of these public holdings are located south and east of the proposed project. It is important to reiterate that approximately 1,980 acres, or roughly 43 percent, of the 4,581 acres that are publicly owned within the Great Trinity Forest are currently dedicated as parkland, none of which would be affected by Trinity Parkway. The Great Trinity Forest land within the proposed ROW footprint of the Trinity Parkway Build Alternatives is comprised of 10 parcels owned by private landowners and six publicly owned parcels (see enclosed "Property Ownership – Proposed Trinity Parkway & Great Trinity Forest" map, corresponding parcel information table, and Dallas

County deed records). As demonstrated above, Section 4(f) does not apply to the privately owned lands. Two of the six publicly owned parcels are currently designated and used as ROW for city streets (Forest Avenue and Martin Luther King (MLK) Jr. Boulevard) that enter or cross the area considered to be the Great Trinity Forest. By definition, a "use" under Section 4(f) occurs when land (of a public park, recreation area, wildlife and waterfowl refuge of national, State, or local significance) is permanently incorporated into a transportation facility (23 CFR §774.17). The crossing of these two ROW parcels by the proposed project should not be considered a "use" because there is already a transportation use. The following table provides data on the remaining four publicly owned parcels from which land would be required for Trinity Parkway.

Address	Size (Acres)	Owner	Deed Transfer Date	Zoned	Notes/Use
1301 McDonald St.	36.25	City of Dallas	June 2008	Industrial manufacturing	Vacant storage warehouse and paved parking
4601 S. Lamar St.	30.84	City of Dallas	June 2009	Industrial manufacturing	Vacant land
4601 S. Lamar St.	3.37	City of Dallas	June 2009	Industrial manufacturing	Vacant land
1000 MLK Jr. Blvd.	5.806	City of Dallas	1912	Industrial manufacturing	Vacant, identified as an inactive municipal solid waste landfill known as the Forest Avenue landfill (see SDEIS Table 3-37, ID No. 42)

Source: Dallas Central Appraisal District (2009) and information provided by the City of Dallas

The four parcels in the above table total approximately 76.27 acres, of which 0.02 to 5.35 acres (0.03 to 7.01 percent) would be needed for Trinity Parkway, depending upon the alternative. The proposed Trinity Parkway ROW would only represent roughly 0.1 percent of the publicly owned land within the entire Great Trinity Forest area. Although none of the four publicly owned parcels needed for Trinity Parkway are presently functioning as parkland and there are no existing recreational amenities, the inclusion of these parcels in the City's park and recreational master plans for the area serves as evidence of future designation for such purposes. Because these plans also include references to Trinity Parkway, the issue of joint planning was carefully examined since this is a critical element in determining Section 4(f) applicability in the case of the Great Trinity Forest.

The FHWA's *Section 4(f) Policy Paper* suggests that the requirements of Section 4(f) do not apply in scenarios where a park, recreation area, or wildlife and waterfowl refuge is jointly planned with a highway project. The Section 4(f) regulations state the following:

> "When a property is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource occurs, then any resulting impacts of the transportation facility will not be considered a use." (23 CFR § 774.11(i)).

An analysis of case law also indicates that joint planning precludes a property from being subject to Section 4(f). In Sierra Club v. Dole, 948 F.2d 568 (9th Cir. 1991), the court stated that,

> "[w]here a park and a road are jointly planned on land which previously had neither park or road…no consensus is being upset. The community is not changing its mind about the type of park and road it would have, but is making the determination in the first instance. It is difficult to see how the road would significantly and adversely affect the park." (948 F.2d 575)

As stated in *The Great Trinity Forest Master Plan*, part of the purpose of the plan is to illustrate how other transportation, flood prevention and recreational improvements along the Trinity River will be incorporated. The master plan includes a section dedicated to "Coordination with other Trinity Planning Efforts" which points out that,

> "[t]he Trinity River has been the focus of an extensive amount of planning, ranging from the Trinity River Corridor Major Investment Study by the Texas Department of Transportation (TxDOT), the U.S. Army Corps of Engineers' study of the extension of the Dallas Floodway, and the development of recreational trails in the Trinity River Corridor."

The development of the master plan involved review and input from TxDOT. This provided for coordination with Trinity Parkway as well as other planned transportation projects in the area. The master plan includes a section titled "Transportation Influences" that references Trinity Parkway and states that the proposed tollway would benefit the Great Trinity Forest by improving access along the upper end of the Trinity River Corridor. The plan indicates this could be accomplished due to the proposed Trinity Parkway connections at Corinth Street and MLK Jr. Boulevard, which could be direct access points into the Great Trinity Forest. Figure 2.6 (Transportation Influences) and Figure 5.2 (Potential Access Improvements) in the master plan show an approximate route for the proposed Trinity Parkway that generally matches the alternatives under consideration in the area of the Great Trinity Forest (see enclosed Figure 5.2). The master plan states that it is intended to ensure flexibility and is designed to work within the context of other planning along the Trinity River, specifically citing the USACE proposed flood control improvements and the Trinity Parkway. In addition to documenting joint planning efforts, the inclusion of a Trinity Parkway alignment along with a commitment to providing compatibility with an overlapping tollway location in *The Great Trinity Forest Master Plan* should be viewed as reservation for a future transportation facility, much the same way as the master plan serves as designation of the publicly owned lands within the area for future park and recreational purposes. Additional examples of joint planning efforts involving both the Trinity Parkway and the Great Trinity Forest are provided below.

Since the adoption of *The Great Trinity Forest Master Plan* in 1997, the City of Dallas has developed a master plan for extensive development of recreational, transportation, and environmental restoration elements for the Dallas Floodway known as *A Balanced Vision Plan (BVP) for the Trinity River Corridor* (see enclosed BVP map). The improvements planned as part of the BVP would serve as a centerpiece anchoring the public parks and open space along the Elm Fork and within the Great Trinity Forest located upstream and downstream of the Dallas

Floodway. The BVP includes provisions for implementing various components of *The Great Trinity Forest Master Plan* and the Trinity Parkway project that were funded as part of the City's 1998 bond program. On May 2, 1998, the City of Dallas held a Capital Bond Program election to fund 11 propositions. The bond election passed in its entirety, including Proposition 11 that authorized the issuance of $246 million general obligation "Trinity River Corridor Project" bonds, specified to include "floodways, levees, waterways, open space, recreational facilities, the Trinity Parkway and related street improvements, and other related, necessary, and incidental improvements to the Trinity River Corridor." Proposition 11 was subdivided into the following program categories:

- Dallas Floodway Extension - $24,700,000
- Elm Fork Levee - $30,000,000
- Transportation Improvements - $118,000,000 ($84 million has been allocated for the Trinity Parkway)
- Great Trinity Forest - $41,800,000
- Chain of Lakes - $31,500,000

The funding outlined above is available for use in preparing environmental studies, schematic plans, detailed design, ROW acquisition and relocation assistance, utility relocations, and construction. The City is currently utilizing these funds for acquisition of lands associated with the overall "Trinity River Corridor Project." According to records provided by the City of Dallas, the three properties at 1301 McDonald and 4601 S. Lamar were each acquired through eminent domain proceedings for public use in conjunction with the Trinity River Corridor Project using the 1998 bond funds.

The City of Dallas *Trinity River Corridor Comprehensive Land Use Plan*, adopted in March 2005 and amended in December 2009, also includes provisions for both the Trinity Parkway and Great Trinity Forest. The comprehensive land use plan establishes general principles that will direct preparation of detailed plans for the area, and provides guidance about appropriate land uses and development patterns for the corridor. This 'blueprint' for the future shows a general Trinity Parkway alignment slightly overlapping the extreme northern edge of the Great Trinity Forest (see enclosed "Trinity River Corridor Future Land Use Plan" map). The implementation strategy in the comprehensive land use plan also specifically identifies the North Texas Tollway Authority (NTTA) as a partner agency due to its role in the development of the proposed Trinity Parkway project in the Trinity River Corridor.

The Great Trinity Forest Master Plan, the City's BVP, and the *Trinity River Corridor Comprehensive Land Use Plan* all acknowledge that several local, state, and federal government agencies are in the process of planning, implementing, or constructing various projects within the Trinity River Corridor. These projects include flood control, transportation, recreation, utilities, land use planning, and environmental restoration. Many of the proposed projects located within the Trinity River Corridor have parallel planning processes, overlapping objectives, and require a coordinated design and project approval process. The previously mentioned City of Dallas Trinity River Corridor Project is the overall name for a series of proposed projects along the Elm Fork and main stem of the Trinity River, supported by the City as part of an initiative to improve

flood control, downtown access, aesthetic value, recreational opportunities, and the economic potential of the Trinity River Corridor and surrounding communities. The Trinity River Corridor Project incorporates the proposals from these agencies into one cohesive plan. The Trinity River Corridor Project is widely publicized and is being managed by a consolidated interagency office at Dallas City Hall. The NTTA participates in this cooperative multi-project planning effort with the City of Dallas, Dallas County, TxDOT, the FHWA, the North Central Texas Council of Governments, and the USACE. Throughout the planning and project development process, the partner agencies have participated in numerous meetings and workshops to maintain consistency and compatibility of the various undertakings within the corridor. The project elements, which include the Trinity Parkway and Great Trinity Forest, are described in detail on the City of Dallas website: www.trinityrivercorridor.org. A "Trinity River Corridor Project" map is enclosed showing the various elements of the overall project. As demonstrated by this cooperative strategy, which has been agreed upon by the partner agencies, the City's efforts associated with the Great Trinity Forest are being performed concurrently with the Trinity Parkway project. This recognition and commitment does not alter the independent utility of these projects. It is simply a strategy intended to allow the partner agencies to make informed decisions regarding their projects within the context of other agency actions.

In terms of impacts, regardless of Section 4(f) applicability, the proposed Trinity Parkway Build Alternatives would only encroach upon the outer limits of the suggested boundaries of the Great Trinity Forest. The area is already inundated with industrial development, major arterial streets, IH 45, and several rail lines (Dallas Area Rapid Transit, Burlington Northern Santa Fe, Union Pacific, and the abandoned AT&SF Railroad Bridge). The proposed Trinity Parkway Build Alternatives would not be visible from the vast majority of the Great Trinity Forest. As a result, it is not expected that the proposed alternatives would adversely affect the Great Trinity Forest. Notably, the City of Dallas Park and Recreation Department (PARD), has indicated that none of the Trinity Parkway Build Alternatives would have a negative impact to any existing or planned parks and recreational areas in the project study area (see SDEIS Appendix A-1).

In summary, the Trinity Parkway Build Alternatives would not require the "use" of any publicly owned land from an existing public park, recreation area, or wildlife/waterfowl refuge within the Great Trinity Forest. None of the publicly owned land needed for Trinity Parkway within the area considered as the Great Trinity Forest is currently functioning as parkland and there are no existing recreational amenities. While the area is included in long-range park and recreational master plans, there is a well-documented history of joint development of the Trinity Parkway with the Great Trinity Forest. These master planning documents show a Trinity Parkway alignment overlapping the Great Trinity Forest that is consistent with the Trinity Parkway Build Alternatives currently under consideration. The proposed project would involve a very small portion of the outer periphery of the Great Trinity Forest that is a transitional zone between the surrounding urban environment and the floodplain woodlands. The influences of the local transportation system are already part of the physical characteristics in this area. The City of Dallas PARD does not consider the extent of the Trinity Parkway involvement with the Great Trinity Forest to be detrimental to the area.

In conclusion, the North Texas Tollway Authority, managing agency for the Trinity Parkway, requests concurrence that Section 4(f) should not apply to the Great Trinity Forest for the reasons discussed above. We thus are requesting confirmation of this finding in writing.

If any additional information is needed, please contact Tim M. Nesbitt, P.E. at (214) 320-6245.

H. Stan Hall, P.E.
District Advance Project
Development Engineer

Attachments
TMN:tmn
Copy to: C-5E (0918-45-121)

EG

Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

June 21, 2010

NH
Response to FHWA Letter
Regarding Alternative 5 – Split Parkway (Landside)
Dallas County
CSJ 0918-45-121

Trinity Parkway: From IH 35E/SH 183 to US 175/SH 310

Ms. Janice W. Brown
Division Administrator
Federal Highway Administration
Austin, Texas 78701

Dear Ms. Brown:

This is in response to follow up questions received from the Federal Highway Administration (FHWA) by letter dated April 15, 2010 addressed to Ms. Dianna Noble, P.E., TxDOT Director of Environmental Affairs, regarding information provided in previous correspondence about the feasibility of realigning and/or modifying the Trinity Parkway Alternative 5 – Split Parkway (Landside). As mentioned in previous correspondence, the U.S. Army Corps of Engineers has stated the original Alternative 5 as presented in the Trinity Parkway Supplemental Draft Environmental Impact Statement is unapprovable due to impacts to the Dallas Floodway levees. The possibility of shifting the Alternative 5 main lanes away from the levees to avoid these impacts has been evaluated. Our understanding is that an exhibit showing a preliminary diagram of the modified version of Alternative 5 along with hard copies of layouts were delivered to FHWA by the North Texas Tollway Authority (NTTA) on June 18, 2010.

This letter is intended to provide the data requested by the FHWA to support a decision regarding the viability of a modified version of Alternative 5. The following responses to FHWA's questions were provided by the NTTA and their consultant via the TxDOT Dallas District Office. The original comments from NTTA/consultant and FHWA questions are repeated below for reference:

Response to Question #1: *Moving the alignment to go over the cross streets would require substantial displacements.* What is "substantial"? What is this compared to? What is the relative increase versus the amount of relocations (and what types) associated with other alternatives still under consideration? What is the magnitude as compared to other alternatives?

The displacements would be substantial in comparison to the original alignment of Alternative 5. Approximate displacements and displacement types for the original Alternative 5, the modified Alternative 5, and the other alternatives still under consideration are listed below:

Table 1. Displacements

Alt	Residential Building	Commercial / Industrial Building	County / State Facilities	Pump Station / Levee Operation Building	Police / Fire Station Building	School	DISD Facility Building	Place of Worship	Cemetery	Total
2A	8	272	0	1	2	0	2	0	0	285
2B	6	228	0	5	2	0	4	0	0	245
3C	6	29	0	0	0	0	0	0	0	35
4B	11	24	0	0	0	0	0	0	0	35
5 – Orig	20	39	0	3	0	0	0	0	0	62
5 – Mod	131	162	3	1	0	0	0	6	0	303

Note: The estimated number of displaced buildings/structures is shown in this table; however, the number of individual businesses displaced may be higher due to multiple tenants in some buildings.

As shown in the above table, the overall number of displacements caused by the modified Alternative 5 would exceed Alternatives 2A and 2B, and it is important to note that the modified Alternative 5 would result in a substantially greater number of residential displacements compared to all the other alternatives. In addition, two electric substations, six churches, the Lew Sterrett Justice Center (county jail facility), the Dawson State Jail (located to the south across Commerce Street from Lew Sterrett), and one building associated with the Dallas Floodway levee operations office would be displaced. It is our understanding that an exhibit showing the displacements for the modified Alternative 5 was delivered to FHWA on June 18, 2010 by NTTA.

Based on adjusted Dallas Central Appraisal District land and improvement values (2009), the estimated costs associated with right-of-way (ROW) acquisition and relocation assistance for the modified Alternative 5 are over $475 million. This

amount would not include the approximate $273 million cost associated with reconstructing the Lew Sterrett Justice Center and Dawson State Jail at new locations, which is discussed further under the Response to Question #4.

Response to Question #2: *Completion of Alternative 5 on the landside of the west levee would impact environmental justice neighborhoods.* What does this mean? More detail and clarification needed. Does it mean additional relocations (and if so what types), taking of employment or institutional / community centers, noise or visual intrusions? When it states it would require two full crossings of the floodway, does this mean that a completely landside alternative would need to cross the levees twice? Does that mean crossing both the east and west levees once or crossing the west levee twice?

Moving the Alternative 5 alignment completely landside of the west levee would cause a substantial number of additional displacements/relocations within environmental justice neighborhoods (i.e., minority and low-income residential areas) primarily in West Dallas (see attached three rolls titled "Alternative 5C" showing approximate plan view and profile of such a West levee Combined Parkway Landside). Altering the alignment in this manner would substantially increase the overall number of displacements, and in particular would increase the number of residential displacements by 171. The relocations and displacements directly caused by this alignment shift can be seen in the table below in comparison to the number and type of displacements caused by the original Alternative 5.

Table 2. Displacements for a West Levee Combined Parkway - Landside

Alt	Resi-dential Building	Com mer-cial / Industrial Building	County / State Facility	Pump Station / Levee Opera-tion Building	Police / Fire Station Building	School	DISD Facility Building	Place of Worship	Ce m-etery	Total
5 – Orig	20	39	0	3	0	0	0	0	0	62
5C - West Levee Combined Parkway – Landside	191	98	1	2	0	0	0	6	0	298

Note: The estimated number of displaced buildings/structures is shown in this table; however, the number of individual businesses displaced may be higher due to multiple tenants in some buildings.

All of the residential displacements would occur in neighborhoods where the affected 2000 Census block groups meet one of the following criteria: 1) the racial and/or ethnic minority population percentage is higher than 50 percent; 2) the percentage of the population below the U.S. Census poverty threshold exceeds 50 percent; and/or 3) the median household income is at or below the U.S. Department of Health and Human Services poverty guidelines. Minority and low-income populations within these neighborhoods would also experience visual impacts and would be noise impacted. If this alternative is advanced for further evaluation, an analysis would be necessary to determine if noise walls are reasonable and feasible. If these impacts could not be sufficiently mitigated, and given the availability of less intrusive routes, they could be viewed as disproportionately high and adverse and/or discriminatory for minority and low-income groups, thereby violating Executive Order 12898, FHWA Order 6640.23, and Title VI of the Civil Rights Act.

In addition to the environmental justice concerns discussed above, the high number of residential displacements could affect community cohesion in West Dallas. It has not been determined whether available housing exists for residents to relocate within the same community, which could prohibit displaced members of the community from continuing present relationships.

When stated that the modified alignment would cause two full crossings of the floodway, it was meant that combining the north and southbound lanes would cause all six mainlanes to cross both the east and west levees twice, rather than just the three southbound lanes as in the original Alternative 5. The levee crossings with the additional lanes would involve additional pier penetrations of the levees compared to the original Alternative 5, which would need to be mitigated with longer diaphragm walls or another solution subject to approval by the U.S. Army Corps of Engineers and the City of Dallas.

It should be noted that in the course of conducting the 1998 Trinity Parkway Corridor Major Transportation Investment Study (MTIS), some alternatives were considered but screened out from further evaluation. One of the goals throughout the MTIS/EIS process has been to minimize impacts on local residents, while accomplishing the purpose of the tollway. The MTIS looked at broad categories of transportation improvements and a range of alternative configurations within these categories. The MTIS involved a lengthy process of public input, technical study, and evaluation with a stated mission of developing a locally-preferred plan of action to solve transportation problems along the Trinity River Corridor and to integrate with community plans and goals. Some alternative configurations within each category for solving the transportation problems in the corridor were eliminated from further

consideration because they did not meet minimum goals established by consensus of the stakeholders as well as criteria set by federal and state regulations. Potential impacts to natural, social, and cultural resources were part of the MTIS evaluation. Alternatives considered in the MTIS and screened out for the "reliever route" category included a six-lane conventional thoroughfare along the landside of the west levee and a six-lane freeway with two high-occupancy vehicle (HOV) lanes on the landside of the west levee (see Alignment Options TL-2c and TL-8c, respectively, in Table 6-1 of Appendix C in the MTIS). The major concerns for this type of alignment included social and environmental impacts such as significant visual and noise impacts. Based on stakeholder input early in the process for the proposed project, a combined parkway landside of the west levee would not be supported by the City of Dallas or the general public.

Response to Question #3: *Sumps could be moved within limits but would require acquiring other adjacent lands which have been developed.* No cost estimate is provided. What is the approximate number of relocations and how do the relocations compare to other alternatives still under consideration?

Due to the importance of the sumps and associated pump stations for flood damage reduction related to the Dallas Floodway system, the additional displacements and costs that would be caused by the need to replace these features, and protections that would apply to some of the sump areas under Section 404 of the Clean Water Act, further evaluation of modifying Alternative 5 led to the conclusion that the best possible option would be to shift the alignment of the main lanes far enough away from the east and west levees to avoid longitudinal encroachment within sump areas adjacent to the levees. Lateral crossings of a few sumps would be on structure, resulting in only minor sump storage loss due to fill from bridge columns that could be readily mitigated. Five roll plots titled "Alternative 5 Modified" which were delivered to FHWA by NTTA on June 18, 2010, show the plan view and main lane profiles of this modified version of Alternative 5.

Response to Question #4: *Modifying the relocation of Alternative 5 would require the relocation of the Lew Sterrett Justice Center.* What is the basis for the $68 million cost? Is it fair to assume that the issues involved in the relocation would be comparable here? If so, we may be able to accept the $68 million as a low estimate for the Lew Sterrett Center relocation. These costs should be referenced to the overall magnitude of the impact as compared to other alternatives.

According to available information from Dallas County, the relocation of the Suzanne Kays Detention Center to the recently completed expansion (South Tower) of the Lew Sterrett prison cost approximately $68 million. The cost of relocating the Suzanne Kays Detention Center, which was a 1,008-bed medium security jail, was

merely provided in previous correspondence as a base line for costs that could be expected in order to relocate the much larger Lew Sterrett Justice Center. The total capacity of the jail towers at Lew Sterrett is 7,074 inmates (North Tower – 3,292, West Tower – 1,478, South Tower – 2,304), and the facility employs approximately 970 people making it one of the largest employers in the project study area.

Although it was not mentioned in previous correspondence regarding the viability of modifying Alternative 5, relocation of the Dawson State Jail (located across Commerce St. south of Lew Sterrett) would involve similar issues to relocating the Lew Sterrett facility and would also require approval from the state legislature. According to information obtained from the Texas Department of Criminal Justice, the state jail employs 437 people and has a total capacity of over 2,200 inmates. Finding a suitable relocation site and an interim facility to accept inmates currently held at the facility would be problematic. Relocation and reconstruction costs would be extremely high and the jail's relocation would be further complicated by contractual issues. Although the jail is owned by the state, it is operated and maintained by a private company (Corrections Corporation of America) under contract to the state.

Based on the recent $68 million cost for the 2304 inmate South Tower of Lew Sterrett (~$29,500 per inmate), relocating the Lew Sterrett facility and the Dawson State Jail would necessitate relocating a total capacity of 9,274 inmates. Assuming a new location for the jails could be found, new facility construction costs alone may be in the vicinity of $273 million.

The other alternatives under consideration (Alternatives 2A, 2B, 3C, and 4B) would avoid the Lew Sterrett Justice Center and the Dawson State Jail. The geometric constraints that prohibit avoidance of the county and state jail facilities are considered a key fatal flaw to modifying Alternative 5 to meet USACE criteria.

Response to Question #5: *The realignment of Alternative 5 would have impacts to vacant land anticipated for redevelopment.* This does not appear to be an issue and therefore is not a valid reason to dismiss the alternative. The location of a proposed overlook can be changed or modified.

Agreed.

Based on the additional information and responses to FHWA's questions provided in this letter as well as in the exhibits and roll plots delivered to FHWA by NTTA on June 18,

2010, the FHWA's determination regarding the viability of a modified version of Trinity Parkway Alternative 5 - Split Parkway (Landside) is requested. If you have any questions, please contact Elvia Gonzalez of my staff at 416-2610.

Sincerely,

Lisa J. Hart
Director, Programs Management Section
Environmental Affairs Division

EG:e
cc: Dallas District
EG

Reference: ENV 850

U.S. Department of Transportation
Federal Highway Administration

Texas Division

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July 16, 2010

In Reply Refer To:

Ms. Lisa J. Hart
Director, Program Management Section
TxDOT - Environmental Affairs Division
125 E. 11th Street
Austin, Texas 78701

Dear Ms. Hart:

Reference is made to your letter dated June 4, 2010 requesting Section a 4(f) determination for the Great Trinity Forest Park (GTFP) and its relationship with the various alternatives being considered in the Trinity Parkway (TP) Environmental Impact Statement (EIS). We have reviewed the documentation along with the subsequent transmittal of *The Great Trinity Forest Master Plan (The Plan)* approved by the Dallas City Council in 1997. We have completed our technical review of your letter, attachments and *The Plan* and are providing the following comments:

The request identifies that the Section 4(f) property, GTFP, is planned for multiple uses including flood control, ecosystem restoration and mitigation, recreation, and parkland. Within the approximately 6,000 acres identified for eventual inclusion within the GTFP, approximately 4,600 acres are forested and the remaining acreage is primarily grassland and urban areas. The request asserts that the proposed right-of-way for the TP build alternatives does not encroach upon any existing publicly owned parks, recreation areas, or wildlife/waterfowl refuges within the GTFP, focusing on two central arguments to support that the requirements of Section 4(f) do not apply:

1) Applicability of the Joint Planning Provision of Section 4(f) (23 CFR 774.11(i)) to exclude the TP EIS from the requirement to conduct a Section 4(f) analysis for the GTFP.

   For the purposes of assessing applicability of the joint planning provision, we primarily considered information included within *The Plan*. We did not consider it necessary to review in depth the information included in later planning efforts, such as the *Balanced Vision Plan* and the *Trinity River Corridor Comprehensive Land Use Plan* since applicability of the joint planning provision is intended for coordination efforts to reserve land for transportation uses made prior to or at the same time as a designation of a park, recreation area, or wildlife and waterfowl refuge, which we understand to have been accomplished for the GTFP with *The Plan*. The *Balanced Vision Plan* and the *Trinity River Corridor Comprehensive Land Use*

waterfowl refuge, which we understand to have been accomplished for the GTFP with *The Plan*. The *Balanced Vision Plan* and the *Trinity River Corridor Comprehensive Land Use Plan* also are more general in describing the intended uses and functions of the GTFP than *The Plan*, as they are focused more on broader land use in Dallas.

This plan identifies areas for future acquisition to create an intact forest preserve, with acknowledgement of flood control and transportation projects already identified within the proposed GTFP boundaries. Page 5-1 echoes this intended multiple use by declaring that the GTFP is ..."designed to work within the context of other planning along the Trinity River, which includes... the Texas Department of Transportation's (TxDOT) "Trinity Parkway" which will improve access along the upper end of the corridor." Figure 2.6 of the Plan shows the approximate location of the TP project as a "proposed road on the thoroughfare plan". The identification of the TP within the text and the figures in *The Plan* support that the area illustrated for the proposed transportation facility would meet the conditions of the joint planning provision under Section 4(f), which would exclude the TP project from the need to conduct a Section 4(f) analysis for potential impacts to the GTFP. However, *The Plan* also identifies the major environmental and recreational resource within the GTFP as hardwood forests (pg. 2-2). *The Plan* further states that "improved access will follow the philosophies espoused above, in that greater access will not infringe on prime forested areas" (pg. 5-2). As such, we interpret the Plan to acknowledge the right of future transportation facilities to occupy land within the identified areas of the GTFP, but not if such use will impact adversely prime forested areas. Prior to FHWA making a final conclusion on the applicability of the joint planning provision of Section 4(f) to the GTFP for the TP project, we will need to assess the impact of any proposed TP alternatives still under consideration to areas of hardwood forest within the Park, particularly areas of mature vegetation which are identified in *The Plan* as a priority for preservation. We understand that much of the area under consideration for the proposed TP project is currently in use for urban development, but we request that TxDOT provide to us data documenting whether or not the proposed build alternatives currently under consideration would have the potential to adversely affect any areas of hardwood forest with areas of mature vegetation specifically identified in the GTFP.

Additionally, one component within the "Concept Plan for the Great Trinity Forest Park", the Northern Gateway, falls within the proposed TP project's Area of Potential Effect (APE). It would appear that the three alternate locations under consideration for the Northern Gateway would not be within the impact area for alternatives 2A, 2B, and 3C (pg. 5-11). It is not clear whether or not alternatives 4B and 5 would have the potential to impact these areas. We request that TxDOT verify for each build alternative still under consideration whether or not there is a potential to impact this planned park feature if the identified lands *The Plan* are publicly owned. Figures 5-1, 5-3, and 5-5 also show proposed Priority 1 trails along the west levees within the proposed TP APE. Alternatives 4B and 5 may have the potential to impact these planned trails. If the areas planned to carry these trails are publicly owned at this time, these planned features may also need to be further analyzed for potential effect prior to a determination of applicability for the joint planning provision.

TxDOT also needs to be aware that potential application of the joint planning provision for the proposed TP project does not apply to the GTFP as a whole for all future transportation projects with the potential to impact this property, as asserted by TxDOT in the conclusion of their request letter. Figure 2.6 of the Plan shows additional transportation facilities planned to the south of Loop 12. Page 2-8 summarizes planned projects within the GTFP to include the proposed TP (linking IH 35E with IH45 and US 175). No other planned facilities are specifically mentioned in *The Plan* (several existing roads that are abandoned are highlighted for improvement to enhance access to the park, including Forest Lane south of MLK, Elam Road, Simpson Stuart Road from IH 310 east, Linfield Road east of SH 310, Jim Miller Road, Fairport Road, Longbranch Lane from south of Loop 12, and Locust Street). *The Plan* specifically states that there are six broad categories of use for the parkland. Transportation is not one of the identified categories and does not appear as a component of an identified category (pg. 4-3 to 4-4). This further supports that the GTFP as a whole is not intended broadly to serve as a multiple use resource with transportation as an accepted activity outside of those areas identified on page 2-8, though any areas of the GTFP specifically identified for non-recreation or preservation uses (such as utility lands or lands for flood conveyance only) may meet the requirements for multiple uses. As such, we believe that there is no general transportation exception to Section 4(f) for the GTFP under the joint planning provision or as a multiple-use property with a transportation component and that future proposed projects involving facilities not specifically mentioned in *The Plan* that would impact the GTFP may have to meet the requirements of a Section 4(f) analysis. Such a determination will be made on a case-by-case basis during individual project development activities for future proposed transportation actions.

2) The requirements for a Section 4(f) analysis do not apply to privately owned land identified in *The Plan* for future use as a park, recreation facility or a wildlife and waterfowl refuge.

We agree with the assertion in the request that the requirements of Section 4(f) do not apply to land identified for future incorporation into a Section 4(f)-protected resource if those lands are not currently publicly owned. Those lands within the planned GTFP that are currently under private ownership are not subject to the requirements for Section 4(f) for the proposed TP project.

The request included as attachments copies of a number of legal documents reflecting the City's acquisition of land within the GTFP boundaries from 2000, 2004, 2008, and 2009. As none of the attachments provided documentation of the intended use of the land being acquired (no specification of use for park, recreation area, wildlife or waterfowl refuge or reservation for transportation uses), we will rely on *The Plan* to designate for any future application of the joint planning provision to these publicly owned lands for future transportation actions on a case-by-case basis. The letter also made reference to the source of funding for the purchase of land for the GTFP as primarily being a result of the 1998 bond program which included Proposition 11 authorizing the issuance of $246 million general obligation "Trinity River Corridor Project" bonds. We would like to take this opportunity to remind all partners that if, in the future, the City pursues other funding sources, such as Land

and Water Conservation Fund Act (Section 6(f)), and the proposed TP impacts those lands, further discussion in the TP EIS will be required in addition to coordination with the appropriate state and federal agencies.

Should you have any questions, please contact Anita N. Wilson at 512-536-5951.

Sincerely,

for Salvador Deocampo
District Engineer

Mailed and Distributed
10/4/10 SP

Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

October 1, 2010

NH ( )
Trinity Parkway: From IH 35E/SH183 to US 175/SH310
Dallas County
CSJ: 0918-45-121

Re: Section 4(f) Applicability to the "Great Trinity Forest" for the proposed Build Alternatives being evaluated for the Trinity Parkway in Dallas, Texas (CSJ: 0918-45-121)

Mr. Salvador Deocampo
District Engineer
Federal Highway Administration
Austin, Texas 78701

Dear Mr. Deocampo,

In a letter dated June 4, 2010, the Texas Department of Transportation requested a Section 4(f) determination for the "Great Trinity Forest" and its relationship with the proposed build alternatives under consideration in the Trinity Parkway Environmental Impact Statement. The Federal Highway Administration (FHWA) responded in a letter, dated July 16, 2010, with comments requesting additional documentation on potential impacts to prime forested areas and planned park features within the Great Trinity Forest prior to making a final conclusion on the applicability of the joint planning provision of Section 4(f) (23 CFR 774.11(i)) to exclude the Trinity Parkway from Section 4(f) requirements for the Great Trinity Forest. FHWA did agree that those lands within the Great Trinity Forest that are currently under private ownership are not subject to the requirements of Section 4(f) for the Trinity Parkway project.

Following receipt of the July 16, 2010 letter from FHWA, events occurred that have implications for the proposed Trinity Parkway project in regards to Section 4(f). On July 29, 2010, the President of the United States signed the Supplemental Appropriations Act, 2010 into law (Public Law No. 111-212). This federal legislation contains the following language, which is pertinent for Trinity Parkway:

SEC. 405. (b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

Our position is the above exemption from Section 4(f) requirements should apply to the proposed Trinity Parkway project. We request concurrence from FHWA that Section 4(f) does not apply to the Great Trinity Forest, or any other public parks, recreation areas, wildlife or waterfowl refuges, and historic sites of national, state or local significance, where the Trinity Parkway project is concerned, and as such, no further action is

required on this matter. We are requesting confirmation of this finding in writing to be recorded in the project Administrative Record.

If you have any questions, please contact Lindsey Kimmitt at (512) 416-2547.

Sincerely,

Lisa J. Hart
Director, Programs Management Section
Texas Department of Transportation

Copy to:
Dallas District - Stan Hall
Reference: ENV 850

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

REPLY TO
ATTENTION OF

CEMP-SWD

OCT 19 2010

MEMORANDUM THRU Commander, Southwestern Division

FOR Commander, Fort Worth District

SUBJECT: Implementation Guidance for Section 405(a) of the FY2010 Supplemental Disaster Relief and Summer Jobs Act (Public Law 111-212)

1. Section 405(a) of the FY2010 Supplemental Disaster Relief and Summer Jobs Act (P. L. 111-212) provides that the Secretary is not required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by Section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,'' approved March 2, 1945 [59 Stat. 18], and as modified by Section 5141 of the Water Resources Development Act (WRDA) of 2007 [121 Stat. 1253].

2. This guidance applies to all USACE actions that may impact pertinent features of the existing Dallas Floodway and any modifications to that project or features defined by Section 5141 of WRDA 2007. These features may be located at any point along the Trinity River upstream from the AT&SF Railroad Bridge at Trinity River Mile 497.37, to the confluence of the West and Elm Forks at River Mile 505.50, thence upstream along the West Fork for approximately 2.2 miles and upstream along the Elm Fork approximately 4 miles.

3. In accordance with Section 405(a) of P. L. 111-212, the built environment that comprises the Dallas Floodway Project, as modified by Section 5141 WRDA 2007, will be examined, described and considered only as a cultural resource within the context of the scope of impacts that must be analyzed under the National Environmental Policy Act (NEPA). For administrative and public information purposes, a clear and concise descriptive narrative on the development, function, composition and current operation of the Dallas Floodway will be prepared to satisfy the requirements of NEPA. This narrative will focus on the Dallas Floodway as an engineering system and may contain discussion of the significance of this cultural resource's inherent structural features or relationships between the Dallas Floodway and the historical development of the City of Dallas. Any discussion of the significance of cultural resources shall be devoid of explicit reference to the criteria used to determine eligibility for the National Register of Historic Places.

4. As part of the NEPA process for the Dallas Floodway Project, as modified by Section 5141 of WRDA 2007, Fort Worth District shall document and consider project alternatives and their potential to affect the quality of the built environment. In addition to describing effects of various project alternatives on the Dallas Floodway as an engineering system, the district shall

also document and consider mitigation measures. These mitigation measures shall be developed to avoid, reduce, compensate or eliminate affects to those qualities of the built environment that contribute to the cultural resource's significant structural features or that affect those elements of the built environment that contribute to the relationship between the Dallas Floodway and the historical development of the City of Dallas.

5. It should be noted that the same limitations on the scope of impacts that must be analyzed as identified in paragraph 3, above, also apply to features included in the Balanced Vision Plan which require approval under 33 USC 408; and for analyses conducted pursuant to Section 404 of the Clean Water Act, 33 USC 1344 or Section 10 of the Rivers and Harbors Act of 1899. This guidance includes analyses for any permits required by the City of Dallas to complete repairs or other actions necessary to correct deficiencies noted in the Periodic Inspection Report issued in March 2009. This guidance also includes any actions necessary to enable the authorized project to provide at least a 100 year level of protection while a more comprehensive solution is pursued under Section 5141 of WRDA 2007.

6. In summary, the built environment and other evidence of human activities identified within the geographic areas and associated projects or programs covered by section 405(a) will be examined, described and considered only as cultural resources within the context of the scope of impacts that must be analyzed under NEPA. There will be no determinations made under the National Historic Preservation Act of 1966 in accordance with Section 405(a) of P. L. 111-212.

FOR THE COMMANDER:

STEVEN L. STOCKTON, P.E.
Director of Civil Works

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

U.S. Department of Transportation
Federal Highway Administration

Texas Division

300 E. 8th Street, Room 826
Austin, TX 78701-3255
Tel (512) 536-5951
Fax (512) 536-5990
texas.fhwa@dot.gov

November 3, 2010

In Reply Refer To:
HA-TX

Trinity Parkway: From IH 35E/SH 183 to US 175/SH 310
Dallas County
CSJ 0918-45-121

Dianna F. Noble, P.E.
Director of Environmental Affairs Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

Dear Ms. Noble

Reference is made to your initial letter dated December 10, 2009 documenting efforts to refine the Trinity Parkway Supplemental Draft Environmental Impact Statement (TP SDEIS) Alternative 5. As previously noted by the United States Army Corps of Engineers (USACE), Alternative 5, as presented in the SDEIS could not be supported by the USACE. Your referenced letter summarized efforts to avoid the impacts and concerns that USACE previously pointed out. Subsequent to your December letter, various emails between FHWA and TxDOT have been exchanged where FHWA requested and TxDOT provided additional information that FHWA considered necessary to assist in making a decision regarding Alternative 5. These discussions and requests included a January 20, 2010 email from FHWA with subsequent response email on March 11, 2010 from TxDOT, a letter from FHWA dated April 15. 2010 with a response from TxDOT on June 21, 2010 and finally an August 20, 2010 email from FHWA with a response from TxDOT on August 24, 2010.

Attempts to address USACE concerns included the development of two variations of Alternative 5: Alternative 5 Modified (Split Parkway – Landside) and Alternative 5C (West Levee Combined Parkway – Landside). The extent of impacts was quantified by each of these variations and was documented in your June 21, 2010 letter to FHWA. Based on the total sum of information provided in TxDOT's letters and emails, we have determined that Alternative 5 cannot be modified further to meet USACE requirements in order to be permitted if selected as the preferred or recommended alternative (as was done to Alternatives 3 and 4). Therefore it is no longer a reasonable or practicable alternative to be carried forward in the analysis for alternatives in the Trinity Parkway EIS. Attempts to realign Alternative 5 would eliminate the

alternative's ability to address project need and purpose and would result in subsequent impacts of extraordinary magnitude to the communities and to existing bridges and buildings along the corridor.

Since Alternative 5 is no longer a viable alternative, it should not be further analyzed in the Limited Scope SDEIS or the Final EIS. These documents should describe the basis for which Alternative 5 was dismissed. If you have any questions please contact Anita Wilson at 536-5951.

Sincerely yours,

Salvador Deocampo
District Engineer

cc: Mr. Kevin Craig, U. S. Army Corps of Engineers

Mailed and Distributed
1/21/11 LP

Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

January 20, 2011

NH ( )
Trinity Parkway: From IH 35E/SH183 to US 175/SH310
Dallas County
CSJ: 0918-45-121

Re: Section 4(f) Exemption for the proposed Trinity Parkway project from IH-35E/SH-183 to US-175/SH-310 in Dallas County, Texas

Ms. Janice Brown
Division Administrator
Federal Highway Administration
Austin, Texas 78701

Dear Ms. Brown:

As you are aware, events occurred since the February 2009 publication of the Trinity Parkway Supplemental Draft Environmental Impact Statement (SDEIS) that have implications for the proposed project in regards to Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 (49 U.S.C. 303). On July 29, 2010, the President of the United States signed the Supplemental Appropriations Act, 2010 into law (Public Law No. 111-212). This federal legislation contains the following language, which is pertinent for the proposed Trinity Parkway project:

> *SEC. 405. (b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.*

While there may be differing views on what constitutes the Dallas Floodway, a federal flood conveyance and levee system carrying the main stem drainage flows of the Trinity River, for the purposes of this letter, we are identifying the location of the proposed project in relation to the Dallas Floodway levees, as there can be no dispute that areas within the levees are part of the Dallas Floodway. As described in the aforementioned SDEIS, the project study area boundary extends from the Dallas Central Business District on the east to West Dallas on the west. The southern boundary is the US-175/SH-310 interchange, and the northern boundary is the IH-35E/SH-183 interchange. The project area includes the Dallas Floodway area within the levees upstream from the Dallas Area Rapid Transit (DART) light rail bridge to approximately 2,500 feet downstream of the confluence of the Elm Fork and West Fork. **Figure 1** shows the project study area and the build alternatives being considered for further analysis. All of the build alternatives under consideration are located within this project area. The alternatives under consideration are either located primarily inside the Dallas Floodway levees or are very close, and in some areas directly adjacent, to the landside of the levees and include crossings of sumps associated with the floodway system.

As shown on **Figure 1**, the project study area is no more than 2,800 feet from the levees as measured between the east levee and the eastern limit of the study area and 2,500

feet as measured between the west levee and the western limit. While the northern and southern limits of the study area extend to approximately 1.3 and 2.0 miles away from the levees, respectively, most if not all of the project study area and all alternatives are within the generally recognized historic (pre-levee) floodplain of the Trinity River. **Figure 2** shows the current Federal Emergency Management Agency (FEMA) floodway and areas protected from the 100-year flood by the levees. Under any definition, the project study area is immediately adjacent to the levees and thus in the vicinity of the Dallas Floodway.

As presented in the SDEIS, Alternatives 2A and 2B would travel southwest from the IH-35E/SH-183 interchange, passing over Commonwealth Boulevard, and turning to the southeast to follow Irving Boulevard. These alignments would follow Irving and Riverfront (Industrial) Boulevards for approximately 5.6 miles, passing south of downtown to Corinth Street. South of Corinth Street, the alignments would bend in an easterly direction to reach Lamar Street east of MLK. From this point, the alignments would travel southeast along Lamar Street past IH-45 and would then turn east at Starks Street to the US-175/SH-310 interchange.

Alternatives 3C and 4B would travel southwest from the IH-35E/SH-183 interchange, passing over Commonwealth Boulevard and Irving Boulevard, and crossing the Dallas Floodway east levee in the area west of Hampton/Inwood Road. These alignments would turn south along the riverside of the Dallas Floodway levees, with Alternative 3C following the east levee and Alternative 4B following the east and west levees in a split mainlane configuration. South of the DART light rail bridge, the alignments would follow the riverside edge of the future U.S. Army Corps of Engineers Dallas Floodway Extension (DFE) east levee extension (Lamar Levee) up to a location approximately 1,500 feet downstream of MLK Jr. Boulevard. At this point, the alignments would cross the future DFE levee and follow the landside of the levee to IH-45. The route would then turn east, passing Lamar Street, and following Starks Street to the US-175/SH-310 interchange.

We believe that the project area and alternatives are "in the vicinity of the Dallas Floodway, Dallas, Texas" and it is our position that the above exemption from Section 4(f) requirements should apply to the proposed Trinity Parkway project. We request concurrence from FHWA that Section 4(f) does not apply to Trinity Parkway; and therefore, a Section 4(f) evaluation is not required for potential impacts to any public parks, recreation areas, wildlife or waterfowl refuges, and historic sites of national, state or local significance where the Trinity Parkway project is concerned. We are requesting confirmation of this finding in writing to be recorded in the project Administrative Record. If you have any questions, please contact Lindsey Kimmitt at (512) 416-2547.

Sincerely,

Melissa A. Neeley
Director of Project Delivery Management
Environmental Affairs Division

Attachments
bcc: Dallas District - Stan Hall
Reference: ENV 850

U.S. Department of Transportation
Federal Highway Administration

Texas Division

300 E. 8th Street, Room 826
Austin, TX 78701-3255
Tel (512) 536-5950
Fax (512) 536-5990
texas.fhwa@dot.gov

February 23, 2011

In Reply Refer To:
HA-TX

Trinity Parkway: From IH 35E/SH 183 to US 175/SH 310
Section 4(f) Exemption
Dallas County
CSJ 0918-45-121

Melissa A. Neeley
Director of Project Delivery Management
Environmental Affairs Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

Dear Ms. Neeley:

Reference is made to your letter dated January 20, 2011 for the proposed Trinity Parkway Project and the applicability of Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303) and the federal legislation signed on July 29, 2010 known as the Supplemental Appropriations Act, 2010 (Public Law No. 111-212). As presented in your letter we recommend that the request be modified to address the following comments and clarifications:

1. The letter as presented does not provide a proper definition of the Dallas floodway for the purposes of this project. To be effective and consistently interpreted it should be more specific than what is mentioned on page 1, second paragraph where it says "are very close, and in some area directly adjacent." The description should provide actual distances from the floodway.

2. On page 2, paragraph 1 talks about the "pre-levee" floodplain. What is the significance of this for our current determination? How does the pre-levee condition connect to the recommended area for Section 4(f) exemption?

3. On page 2, paragraphs 2 and 3 should more appropriately appear earlier in the letter, in the area of the introduction of the project area.

4. On page 2, last paragraph should emphasize that the Section 4(f) exemption would apply to all alternatives still under consideration for the proposed Trinity Parkway project.

Please provide us a revised letter that addresses our comments presented above. If you have any questions please contact Anita Wilson at 536-5951.

Sincerely yours,

Salvador Deocampo
District Engineer

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

March 24, 2011

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number SWF-2011-00049 Dallas Floodway Approved Jurisdictional Determination

Mr. Danny Griffith
Vice President
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225

Dear Mr. Griffith:

This is in reference to your correspondence dated March 11, 2011, requesting a reverification and time extension of the U.S. Army Corps of Engineers (USACE) approved jurisdictional determination for the Dallas Trinity River Floodway, for the City of Dallas, in Dallas County, Texas. The original jurisdictional determination was issued by USACE letter dated June 19, 2006 to Mr. David Morgan, Halff Associates Inc., under USACE Project Number 200000308. This reverification has been assigned Project Number SWF-2011-00049. Please include this number in all future correspondence concerning this project. Failure to reference the project number may result in a delay.

We have reviewed the site in question in accordance with Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Under Section 404, the USACE regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States.

Based on a field visit by a member of my staff, the report that you submitted, and other information available to us, we concur with the information you provided concerning waters of the United States and navigable waters of the United States in the above referenced report. We have determined that there has not been a significant change in the location of waters of the United States from the date of the original jurisdictional determination and we have determined that an extension of the approved jurisdictional determination is in the public interest. Department of the Army authorization would be required for the discharge of dredged or fill

material into waters of the United States or work in, or affecting, navigable waters of the United States designated in the attached approved jurisdictional determination area.

This approved jurisdictional determination is valid until March 24, 2016 unless new information warrants revision of the delineation before the expiration date. It is incumbent upon the applicant to remain informed of changes in the Department of the Army regulations.

The applicant may accept or appeal this approved JD or provide new information in accordance with the enclosed Notification of Administration Appeal Options and Process and Request For Appeal (NAAOP-RFA). If the applicant elects to appeal this approved JD, the applicant must complete Section II (Request For Appeal or Objections to an Initial Proffered Permit) of the enclosure and return it to the Division Engineer, ATTN: CESWD-ETO-R, U. S. Army Corps of Engineers, 1100 Commerce Street, Dallas, Texas 75242-0216 within 60 days of the date of this notice. Failure to notify the USACE within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please contact Mr. Barry Osborn at the address above or telephone (817) 886-1734.

Sincerely,

Jennifer R Walker
for

Stephen L Brooks
Chief, Regulatory Branch

Enclosure

NORTH TEXAS TOLLWAY AUTHORITY
5900 West Plano Parkway, Suite 100 • Plano, Texas 75026 • (214) 461-2000 • Fax (214) 528-4826 • www.ntta.org

September 14, 2011

Mr. Nasser Askari, P.E.
TxDOT Dallas District
4777 E. Highway 80
Mesquite, Texas 75150-6643

Re: Section 4(f) Exemption for the proposed Trinity Parkway Project from IH-35E/SH-183 to US-175/SH-310 in Dallas County, Texas (CSJ: 0918-45-121)

Dear Mr. Askari:

In response to the Federal Highway Administration (FHWA) letter dated February 23, 2011, we are providing an amended request for a determination that the proposed Trinity Parkway Project is exempt from the requirements of Section 4(f) of the Transportation Act of 1966, 49 U.S.C. § 303 (Section 4(f)), pursuant to recently enacted Federal legislation.

The Federal Legislation – Section 405

As you are aware, on July 29, 2010, the President of the United States signed the Supplemental Appropriations Act, 2010 into law (Public Law No. 111-212). Section 405 of this Federal legislation (Section 405) includes the following language:

> *SEC. 405. (b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.*

Interpretation of "in the Vicinity of the Dallas Floodway"

Section 405 does not provide a definition of the "Dallas Floodway." While the Dallas Floodway is commonly known as a Federal flood conveyance and levee system that carries the main stem drainage flows of the Trinity River, our research has not found one, uniform definition of the geographic extent of the Dallas Floodway. There may be differing views on the full scope of the area encompassed by the Dallas Floodway, but from a technical standpoint there can be no dispute that at a minimum, the Dallas Floodway includes the area located between the landside toes of the East and West Levees that comprise the Dallas Floodway and also the related landside sump areas. This is the "minimum" physical scope of the Dallas Floodway that can be used to then evaluate what is "in the vicinity of" this geographical footprint.

Section 405 also does not define "in the vicinity of." Because it is presumed that Congress expresses its intent through the ordinary meaning of its language, every exercise of statutory interpretation begins with an examination of the plain language of the statute. *United States v. Diallo*, 575 F.3d 252, 256 (3d Cir. 2009). Thus, "vicinity" should be given its plain, ordinary meaning. Black's Law Dictionary defines "vicinity" as "the quality or state of being near, or not remote; nearness; propinquity; proximity; a region about, near or adjacent; adjoining space or country." The *Oxford English Dictionary* similarly defines "vicinity" as the "state, character or quality of being near in space; propinquity, proximity," and "in the vicinity of" as "in the neighbourhood (of), near or close (to)."

Accordingly, "in the vicinity of" reflects a zone near, but beyond the Dallas Floodway itself. We suggest that "in the vicinity of" be applied here by looking to the zone of impact (i.e., flood risk) that the Dallas Floodway project (levees, etc.) was built to address. Such an area would be near, adjacent, adjoining and have a character of appropriate physical relationship to the Dallas Floodway itself.

Originally constructed in the late 1920s, and subsequently repaired in the late 1950s by the U.S. Army Corps of Engineers (Corps), the East Levee and West Levee were constructed to protect surrounding portions of the City of Dallas from flooding. The Dallas Floodway levees are part of the Federal Flood Protection System, which requires that they periodically must be accredited by the Federal Emergency Management Agency ("FEMA"). FEMA accreditation means that properties behind the levees are protected from a 100-year flood event.

FEMA most recently accredited the Dallas Floodway levee system in 2007, and the City of Dallas and Corps currently are undertaking a levee remediation project necessary in order to retain that certification. Remediation efforts encompass the East and West Levees, as well as the Rochester Park Levee and the Central Wastewater Treatment Plant Levee so that the land behind each of these levees is protected from a 100-year flood event.[1] In 1996, Congress included the Rochester Park and Central Wastewater Treatment Plant Levees in the Dallas Floodway Extension (DFE),[2] a project that originally was authorized by Section 301 of the Rivers and Harbors Act of 1965 (79 Stat. 1091). The Rochester Park Levee and Central Wastewater Treatment Plant Levee extend the protective reach of the Dallas Floodway below the end of the East and West Levees at the Dallas Area Rapid Transit (DART) light rail bridge (DART Bridge), to protect residential and commercial areas in East Dallas and critical infrastructure in South Dallas.[3] Given the flood protection purpose of the Dallas Floodway, surrounding areas behind the East Levee, West Levee, Rochester Park Levee and Central Wastewater Treatment Plant Levee that are protected from a 100-year flood event clearly are "in the vicinity of" the Dallas Floodway.

Accordingly, for the narrow purposes of this request, we are identifying the Dallas Floodway as the area located between the landside toes of the East and West Levees and related landside sump areas. We are identifying the area "in the vicinity of" the Dallas Floodway, as the surrounding areas behind the East, West, Rochester Park and Central Wastewater Treatment Plant Levees that are protected from a 100-year flood event. *See* **Figure 1**, which delineates the current FEMA floodway and surrounding area protected by the levees from a 100-year flood event, per the 2007 FEMA accreditation. All four build alternatives meeting the purpose and need for the Trinity Parkway Project, as described in the Trinity Parkway Supplemental Draft Environmental Impact Statement (SDEIS) published in February 2009, fall within this area.

The Project Study Area is Located within the Dallas Floodway and "in the Vicinity"

As set forth in the SDEIS, the project study area for the proposed Trinity Parkway Project falls within the Dallas Floodway or "in the vicinity of the Dallas Floodway," within the meaning of Section 405. The boundary of the project study area extends from the Dallas Central Business District on the east to West Dallas on the west. The southern boundary is the US-175/SH-310 interchange, and the northern boundary is the IH-35E/SH-183 interchange. The project study area includes the Dallas Floodway area within the levees upstream from the DART Bridge to approximately 2,500 feet downstream of the confluence of the Elm Fork and West Fork. As shown on **Figure 2**, the project study area is no more than 2,800 feet from the levees as measured between the East Levee and the eastern limit of the project study

[1] *See* City of Dallas Memorandum, dated February 3, 2011, to Trinity River Corridor Project Committee Members regarding update on progress of Dallas Floodway 100-year levee remediation; See *also* U.S. Army Corps of Engineers Fort Worth District, *Periodic Inspection of Dallas Floodway*, *Trinity River – Dallas, Dallas County, Texas, Report No. 9* (December 2007).

[2] Section 351 of Water Resources Development Act of 1996 (110 Stat. 3724).

[3] *See* U.S. Army Corps of Engineers, *Section 106 Compliance Efforts for the Dallas Floodway* (November 17, 2009) at 38.

area and 2,500 feet as measured between the West Levee and the western limit. Areas outside the limits of the Dallas Floodway itself are within the area protected by the levees from a 100-year flood event, and therefore, "in the vicinity of the Dallas Floodway."

The Section 106 Area of Potential Effects for the Project is Located within the Dallas Floodway and "in the Vicinity"

Pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f (Section 106), an Area of Potential Effects (APE) has been designated for the Trinity Parkway Project in order to evaluate effects of the alternatives on historic resources. All but a small portion of the APE is located within the East and West Levees and the area protected from a 100-year flood event. *See* **Figure 1**. Accordingly, the APE is located almost completely within the Dallas Floodway itself or "in the vicinity of the Dallas Floodway" within the meaning of Section 405. If FHWA grants this request for a determination that the proposed Trinity Parkway Project is exempt from review under Section 4(f), the effect of the project on properties located within the APE that are listed or eligible for listing in the National Register of Historic Places nonetheless will be evaluated pursuant to Section 106.

All Build Alternatives are Located within the Dallas Floodway and "in the Vicinity"

All of the build alternatives under consideration are located within this project study area, and therefore, in the Dallas Floodway itself or "in the vicinity of the Dallas Floodway" for purposes of Section 405. Alternatives 2A and 2B would travel southwest from the IH-35E/SH-183 interchange, passing over Commonwealth Boulevard, and turning to the southeast to follow Irving Boulevard. These alignments would follow Irving and Riverfront (Industrial) Boulevards for approximately 5.6 miles, passing south of downtown to Corinth Street, and would then bend in an easterly direction to reach Lamar Street east of Martin Luther King (MLK) Jr. Boulevard. From this point, the alignments would travel southeast along Lamar Street past IH-45 and would turn east at Starks Street to the US-175/SH-310 interchange.

Alternatives 3C and 4B would travel southwest from the IH-35E/SH-183 interchange, passing over Commonwealth Boulevard and Irving Boulevard, and crossing the Dallas Floodway East Levee in the area west of Hampton/Inwood Road. These alignments would turn south along the riverside of the levees, with Alternative 3C following the East Levee and Alternative 4B following the East and West Levees in a split mainlane configuration. South of the DART Bridge, the alignments would follow the riverside edge of the future Corps DFE East Levee extension up to a location approximately 1,500 feet downstream of MLK Jr. Boulevard. At this point, the alignments would cross the future DFE levee and follow the landside of the levee to IH-45. The route would then turn east, passing Lamar Street, and following Starks Street to the US-175/SH-310 interchange. **Figure 2** shows the project study area and the build alternatives being considered for further analysis.

Alternatives 3C and 4B are located primarily inside the Dallas Floodway levees and Alternatives 2A and 2B are directly adjacent to the landside of the levees in some areas. All alternatives under consideration would involve crossings of sumps associated with the Floodway system. All of the alternatives under consideration are located within the East and West Levees and/or the surrounding area that is protected by the Floodway from a 100-year flood event. Accordingly, each build alternative is within the Dallas Floodway and "in the vicinity of the Dallas Floodway" for purposes of the Federal legislation, and an exemption from Section 4(f) requirements should apply to all alternatives under consideration for the proposed Trinity Parkway Project.

We request concurrence from the FHWA that Section 4(f) does not apply to the Trinity Parkway Project, and therefore, that a Section 4(f) evaluation is not required for potential impacts to any public parks, recreation areas, wildlife or waterfowl refuges, and historic sites of national, state or local significance where the Trinity Parkway Project is concerned. We are requesting confirmation of this finding in writing to be recorded in the Project Administrative Record. Of course, this request is limited to Section 4(f), and we acknowledge that the requirements of all other applicable statutes and regulations still apply to the Project.

Please let me know if you need any additional information or have any questions. Thank you for your assistance.

Sincerely,

Elizabeth Mow, P.E.
Director of Project Delivery

EM/jd

Enclosures:
Figure 1: Map of Area "in the Vicinity of" the Dallas Floodway
Figure 2: Proposed Trinity Parkway Build Alternatives (Aerial Photograph)

cc: Daniel Chapman, P.E. - Corridor Manager, HNTB Corporation
Jason Diamond - Environmental Scientist, Halff Associates, Inc.

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
1500 MARILLA STREET, ROOM 6DS
DALLAS, TEXAS 75201

REPLY TO
ATTENTION OF
Programs and
Project Management Division

September 30, 2011

Ms. Janice Brown
Division Administrator
FHWA – Texas Division
300 East 8th Street
Suite 826
Austin, Texas 78701

Subject: Dallas Floodway Preliminary Slope Analysis

Dear Ms. Brown:

The U.S. Army Corps of Engineers (USACE) is committed to continued collaboration with the Federal Highway Administration (FHWA) and other State and local agencies working on projects within the Dallas Floodway area. This letter is intended to provide an update on the analyses done to date on the existing levee system, as requested, to facilitate the ongoing work on the Limited Scope Supplement (LSS) to the Supplemental Draft Environmental Impact Statement for the Trinity Parkway.

As you know, the Periodic Inspection Report #9 for the Dallas Floodway Levee System, submitted to the City of Dallas in March 2009, identified concerns regarding the integrity of the existing levees. In response to these concerns, the City of Dallas hired an engineering consultant to conduct extensive geotechnical investigations and analyses of the levees in order to make necessary repairs to obtain re-accreditation from the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP). Concurrent with that effort, USACE recently conducted initial analyses of 'existing conditions' of the levees as part of the Dallas Floodway Feasibility Study, which is evaluating potential levee improvements for flood events up to the approximate 800-year level.

Based on the analyses done to date, no riverside slope stability problems have been identified for the existing Dallas Floodway levees. Given that the current riverside slopes are no flatter than 4:1 (horizontal:vertical), the levee improvement template currently being utilized in the Trinity Parkway alternative evaluation process, which assumes a future two-foot levee raise with 4:1 riverside slopes, appears to be a reasonable assumption for use in the Limited Scope Supplement document, based on the best available information.

We appreciate your continued efforts to ensure any Trinity Parkway alternatives proposed within the Dallas Floodway can be implemented without adversely impacting the function and performance of the flood risk management project, and assure you we will continue to coordinate and collaborate with you on this important project.

If you have any questions, please direct inquiries to Mr. Douglas Sims at (214) 671-9379 or douglas.c.sims@usace.army.mil.

Sincerely,

Kevin L. Craig, P.E.
Director, Trinity River Corridor Project

Copies Furnished:

Richard J. Muraski, Jr., Commander, Fort Worth District, USACE
Todd Smith, Deputy Chief, E&C Division, USACE
Barney Davis, Lead Engineer, USACE
Douglas Sims, Program Manager, USACE
Sal Deocampo, District Engineer, Texas Division, FHWA
Michael Leary, Director, PPD, Texas Division, FHWA

NTTA®
NORTH TEXAS TOLLWAY AUTHORITY
5900 West Plano Parkway • Plano, Texas 75093 • (214) 461-2000 • Fax (214) 528-4826 • www.ntta.org

November 9, 2011

Jill A. Jordan, P.E.
Assistant City Manager, City of Dallas
Dallas City Hall
1500 Marilla Street
Dallas, Tx 75201-6390

Re: City of Dallas Proposed Expenditure of 1998 Bond Funds Obligated to the Trinity Parkway Project

Dear Ms. Jordan:

NTTA understands from our meeting on October 19, 2011, the City of Dallas is planning improvements to the Cedar Crest/MLK Bridge over the Trinity River to enhance pedestrian and bicycle access as well as provide connectivity to the Santa Fe Trestle Trail and Moore Park. In lieu of a vehicle ramp from the MLK Bridge over the Trinity River the City has proposed to construct parking and trail elements that would provide park access over the West Levee.

Estimated cost by the City of Dallas of these elements is approximately $3.13 million which consists of $1.74 million for the construction of the South Lot and Maintenance Access and $1.39 million for the construction of the trail connection to the Santa Fe Trail. Appendix D of the Draft Limited Scope Supplemental (LSS) to the Supplemental Draft Environmental Impact Statement (SDEIS), Alternative 3C Level E construction cost estimate for six park access bridges is $9.7 million or approximately $1.6 million per ramp. This cost is for the ramp structure only and does not include connections to other existing or planned roadways or trails within the floodway. Since this cost is preliminary and may not include other ancillary items that may be associated with a ramp structure, NTTA proposes a maximum amount of $2 million per ramp be used for this discussion.

Since these improvements would eliminate the need for a structural ramp from the MLK Bridge into the Dallas Floodway, NTTA understands the City proposes to use funds from the $84 million the City has committed to the evaluation, design and construction of the Trinity Parkway Project through the three party agreement executed between TxDOT, NTTA and the City in January of 1999. The City desires to proceed with the implementation of these improvements as expeditiously as possible and requests NTTA concurrence that these funds are being utilized consistent with the aforementioned agreement.

No determination has been made on a preferred alternative for the proposed Trinity Parkway nor which entity would develop the Parkway if a build alternative should be selected. However, NTTA does hereby acknowledge that utilizing City of Dallas bond funds committed to the Trinity Parkway project for the early construction of the City's proposed park access facilities at Cedar Crest/MLK Bridge would be consistent with the Agreement with the following stipulations:

1. The amount of Trinity Parkway funds utilized on the alternative park access facilities at Cedar Crest/MLK Bridge will not exceed $2,000,000.00;and

2. Once these funds are expended, the City of Dallas agrees the Programed Access Ramp Improvements for Trinity Parkway at Cedar Crest/MLK, East Levee, will have been met and no other park access improvements will be required of the ultimate developer for the proposed Trinity Parkway for this location.

Sincerely,

Gerry Carrigan
Interim Executive Director, NTTA

DJC:

cc: Moosa Saghian, TxDOT
Kelly Johnson, NTTA
Rebecca Rasor, City of Dallas
Dan Chapman, HNTB
Matt Craig, Halff Associates
Trinity Parkway Administrative Record

U.S. Department
of Transportation
Federal Highway Administration

Texas Division

300 E. 8th Street, Rm 826
Austin, TX 78701
(Tel) 512-536-5900
(Fax) 512-536-5990
www.fhwa.dot.gov/txdiv

January 23, 2012

In Reply Refer To:
HA-TX

Trinity Parkway: From IH 35E/SH 183 to US 175/SH 310
Section 4(f) Exemption
Dallas County
CSJ 0918-45-121

Ms. Melissa A. Neeley
Director of Project Delivery Management
Environmental Affairs Division
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701

Dear Ms. Neeley:

Reference is made to your letter dated October 13, 2011, transmitting the amended request for the proposed Trinity Parkway Project and request for the determination of the applicability of Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. 303) and the federal legislation known as the Supplemental Appropriations Act, 2010 (Public Law No. 111-212), signed on July 29, 2010. As presented, the letter primarily discusses the applicability with respect to Section 106 properties (and the area of potential effect); however, the exemption is for all Section 4(f) resources within the vicinity of the Dallas Floodway (as further identified in your letter) and applies to all Alternatives being considered for the Trinity Parkway Project.

For the proposed Trinity Parkway Project, we concur that the requirements of Section 4(f) do not apply to any parks, recreation areas, wildlife or waterfowl refuges of national, State, or local significance or land of a historic site of national, State, or local significance within the Dallas Floodway or "in the vicinity of the Dallas Floodway," as defined in your October 13, 2011, letter. As such, the requirements of Section 4(f) do not apply to the alternatives under consideration for the proposed Trinity Parkway Project as of the date of this letter and that no further Section 4(f) analysis is required. Should you have any questions, please contact Anita N. Wilson at (512) 536-5951.

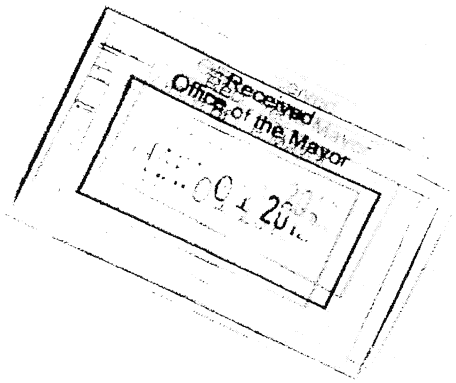
Sincerely,

Salvador Deocampo
District Engineer

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

APR 27 2012



Executive Office

Honorable Mike Rawlings
City of Dallas
1500 Marilla Street
Room 5EN
Dallas, Texas 75201

Dear Mayor Rawlings:

The U.S. Army Corps of Engineers (Corps) is committed to continued collaboration with the City of Dallas, state and local agencies working on projects within the Dallas Floodway area. This letter is intended to provide status reference the ongoing Dallas Floodway feasibility study, specifically the preliminary results of the Base Condition Risk Assessment (BCRA) and the Corps' role in the Federal Highway Administration's (FHWA) ongoing analysis of the proposed Trinity Parkway.

The City has been very diligent with ongoing detailed investigations and addressing the deficiencies identified in the 2007 Periodic Inspection (also referred to as PI #9). To date the city has corrected 198 of the deficiencies, as well as the fact that the city is moving forward with construction of the cutoff wall in response to the Federal Emergency Management Agency (FEMA) certification/accreditation process all help to support the position that the City's efforts are placing the citizens at at lesser level of risk.

When we briefed the Trinity River Corridor Project (TRCP) Committee back in October 2011, we stated the BCRA was being conducted by the Risk Management Center (RMC), Fort Worth District, and City of Dallas as part of the ongoing feasibility study. While the report is not final, initial indications suggest the levees, as they stand today after the aforementioned numerous deficiency corrections, are more resilient than originally evaluated and that there is less risk associated with the performance of the levees. The testing, evaluation and analysis conducted over the last 20 months were extremely beneficial. We were able to conduct the Risk Assessment process in half the time expected and know more about the levees than during and immediately after the 2007 inspection. This has allowed the City to pursue the most cost efficient measures to pursue FEMA accreditation, and the combined team to better assess the effectiveness of the levees during expected conditions for the Balance Vision Plan. The current schedule is to finalize the BCRA prior to conducting the Feasibility Scoping Meeting (FSM) scheduled for May 23-24, 2012.

As noted in our letter to FHWA dated September 2011, we also continue to work with the FHWA as they move forward in determining the preferred alternative for the proposed Trinity Parkway. The Corps' role in the parkway project is to ensure that the selected alternative does not impact the levee system nor impair its ability to function as designed. Initial indications suggest that the proposed Trinity Parkway is feasible from the Corps perspective.

We look forward to briefing to the TRCP committee the first week of June on the final BCRA, as well as the results of the Feasibility Scoping Meeting, both which will identify the preferred way forward and a schedule for the completion of the feasibility study. We will also continue to exercise our responsibilities with reviews as progress is made with Federal Highway Administration/North Texas Tollway Authority on the Trinity Parkway.

A copy has been furnished to Brigadier General Thomas W. Kula, Commander, Southwestern Division.

Richard J. Muraski, Jr.
Colonel, US Army
Commanding

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Appendix A-3
Agency and Public Participation Events

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APPENDIX A-3

AGENCY AND PUBLIC PARTICIPATION EVENTS

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AGENCY AND PUBLIC PARTICIPATION EVENTS

DATE	CATEGORY	EVENT
May 3 – 31, 2001	OP	Trinity River Corridor Comprehensive Land Use Plan Stakeholders Meetings Schedule (16 Meetings)
May 17, 1999	AC	Conducted Interagency Scoping Meeting (FHWA, TxDOT, USACE, USEPA, City of Dallas, NTTA)
June 16, 1999		Notice of Intent to Prepare an EIS for Trinity Parkway Published in Federal Register
June 29, 1999	IET	Trinity River Executive Team Meeting*
July 6, 1999	AC	Coordination with City of Dallas and USACE staff regarding scope of the NTTA EIS
July 8, 1999	OM	Conducted Public Scoping Meeting
July 27, 1999	IET	Trinity Executive Team Meeting
August 10, 1999	AC	Conducted Interagency Coordination Scoping Meeting and Bus Tour of Project Corridor (FHWA, TxDOT, USACE, USEPA, City of Dallas, NTTA)
August 24, 1999	IET	Trinity Executive Team Meeting
September 8, 1999	AC	Conducted Interagency Cultural Resource Scoping Meeting Bus Tour of Project Corridor (FHWA, TxDOT, USACE, USEPA, City of Dallas, NTTA)
September 21, 1999	OP	Presentation to Trinity River Corridor Citizens Committee Transportation Subcommittee (Matt Craig)
September 28, 1999	IET	Trinity Executive Team Meeting
October 4, 1999	CAWG	Conducted first in a series of CAWG Meetings Topics discussed: introductions and role of citizen advisory work group, overview of engineering issues, and overview of environmental issues.
October 26, 1999	IET	Trinity River Executive Team Meeting
October 30, 1999	CAWG	Study Corridor Bus Tour for CAWG Members
November 3, 1999	OP	Presentation to the Dallas Plan Conference
November 7, 1999	OP	Presentation to Richardson Church Group
November 8, 1999	OP	Presentation to the TRCCC Recreation Sub-committee
November 9, 1999	AC	Tour of Study Corridor with City of Dallas staff
November 10, 1999	CAWG	Tour of Study Corridor with CAWG members
November 17, 1999	OP	Presentation to West Dallas Business Association
November 22, 1999	IET	Trinity Executive Team Meeting
November 30, 1999	BF	Presentation to the NTTA Board of Directors
December 13, 1999	CAWG	Conducted second in a series of CAWG Meeting Topics discussed: alternative alignments and typical sections, review of EIS format and status; overview of Dallas Trinity River Master Implementation Plan Access points & types.

DATE	CATEGORY	EVENT
December 27, 1999	IET	Trinity Executive Team Meeting
January 4, 2000	AC	Meeting with TRCCC and Dallas Landmark Commission
January 6, 2000	AC	Interagency meeting with State Historic Preservation Officer to define Cultural Resources Area of Potential Effects
January 10, 2000	CAWG	Conducted third in a series of CAWG Meeting Topics discussed: Trinity Parkway Corridor MIS Scope versus Trinity Parkway EIS Scope, update on engineering design development and other issues, ramp connections to IH-35 south.
January 25, 2000	AC	Presentation to city of Dallas and USACE staff regarding scoping issues associated with the NTTA EIS
January 25, 2000	IET	Trinity Executive Team Meeting
February 8, 2000	OP	Presentation to West Dallas Business Associations
February 14, 2000	CAWG	Conducted fourth CAWG Meeting Topics discussed: hazardous material site assessments, cultural resources and parklands (historic/archeological and Section 4(f), status of community impact analysis - land use, displacements, and Environmental Justice, and update on engineering design development and other issues.
February 22, 2000	IET	Trinity Executive Team Meeting
February 24, 2000	OP	Meeting with T.R. Hoover (South Dallas) Neighborhood Association
February 29, 2000	OP	Presentation to TRCCC Transportation Subcommittee
March 1, 2000	AC	Coordination meeting held with City of Dallas to discuss EIS coordination on lakes and levee improvements
March 2, 2000	AC	Briefing held with Dallas County Judge Jackson
March 13, 2000	CAWG	Conducted fifth CAWG Meeting Topics discussed: energy and utility relocations, natural resources (wetlands, woodlands, endangered species), visual impact analysis, and update on engineering design development and other issues.
March 16, 2000	OP	Luncheon held for setting up and attending information displays at Stemmons Corridor Business Association
March 23, 2000	PM	Public Meeting conducted in South Dallas
March 28, 2000	IET	Trinity Executive Team Meeting
March 29, 2000	AC	Briefing with State Representative Yvonne Davis
March 30, 2000	OP	Meeting with Jim Sherman at Exxon Mobile
April 3, 2000	AC	Meeting of City of Dallas, Corps of Engineers, and FHWA to discuss EIS coordination
April 5, 2000	AC	Briefing with Dallas County Judge Jackson
April 6, 2000	OP	Presentation to the Water Environment Association of Texas (WEAT)

DATE	CATEGORY	EVENT
April 10, 2000	CAWG	Conducted sixth CAWG Meeting Topics discussed: update on visual assessment, transportation impacts, temporary effects during construction, water quality, and update on engineering design development and other issues.
April 17, 2000	OP	Meeting with Freightliner Corporation representatives
April 19, 2000	BF	Presentation to NTTA Board - Project Update
April 25, 2000	IET	Trinity Executive Team Meeting
May 8, 2000	AC	Presentation to City of Dallas Transportation - Telecommunicating Subcommittee
May 8, 2000	CAWG	Conducted seventh CAWG Meeting Topics discussed: traffic modeling, toll rates, and collection methods, toll plaza layout and design, and update on engineering design development and other issues.
May 18, 2000	OP	Annual meeting of the Stemmons Corridor Business Association
May 19, 2000	OP	Briefing to the Greater Dallas Chamber of Commerce
May 22, 2000	AC	Presentation to City of Dallas Transportation - Telecommunicating Subcommittee
May 22, 2000	AC	Sub-committees Briefing to USEPA and NEPA staff with City of Dallas and NTTA
May 23, 2000	OP	Meeting with the TR Hoover Community Development Corporation (Ideal Neighborhood Association)
May 30, 2000	IET	Trinity Executive Meeting
June 5, 2000	AC	Briefing Dallas County Judge Jackson
June 12, 2000	CAWG	Conducted eighth CAWG Meeting Topics discussed: hydraulic analysis, introduction to air quality analysis, introduction to noise analysis, and update on engineering design development and other issues.
June 27, 2000	IET	Trinity Executive Team Meeting
June 28, 2000	AC	Agency Coordination Meeting to Review Scope and incorporate Dallas Lake into EIS
July 25, 2000	IET	Trinity Executive Meeting
July 25, 2000	PM	Conducted Public Meeting for Industrial Corridor Businesses
August 11, 2000	AC	Agency Coordination Meeting to discuss EIS formatting and Dallas Lake inclusion
August 18, 2000	AC	Meeting with USEPA staff to discuss Environmental Justice
August 22, 2000	IET	Trinity Executive Team meeting
August 29, 2000	AC	City of Dallas City Manager Briefing
September 6, 2000	OP	Presentation to the Stemmons Corridor Business Association

DATE	CATEGORY	EVENT
September 11, 2000	CAWG	Conducted tenth CAWG Meeting Topics discussed: incorporation of lakes into EIS, traffic analysis, hydraulic analysis, cost estimates and right-of-way needs, overview of alternatives EIS evaluation matrix, and remaining EIS work and schedule.
September 14, 2000	OP	Exhibit displays and attendance at the Stemmons Corridor Business Association meeting
September 15, 2000	AC	Coordination meeting with TxDOT and NCTCOG
September 19, 2000	OP	Presentation to the TRCCC Economic Development and Transportation Subcommittees
September 20, 2000		Presentation to the NTTA Board Project Update and Preliminary Findings
September 26, 2000	IET	Trinity Executive Team Meeting
October 3, 2000	AC	Agency Coordination meeting to discuss USACE combining Floodway EIS into a Joint Supplemental EIS with NTTA EIS
October 18, 2000	OP	Briefing to Richardson Chamber of Commerce Transportation Committee
October 24, 2000	IET	Trinity Executive Team Meeting
October 30, 2000	AC	Briefing by Dallas Asst. City Manager to Dallas City Council followed by Bus Tour of Study Area
October 30, 2000	BF	Briefing by NTTA to Dallas Mayor's Trinity River Interagency Summit
October 31, 2000	AC	Presentation and Briefing to Dallas City Manager and Assistant City Manager
November 15, 2000	AC	Briefing and presentation to Dallas City Council
November 28, 2000	AC	Coordination meeting with Corps of Engineers to discuss excavation plan
November 30, 2000	AC	Briefing to State Representative Yvonne Davis
December 5, 2000	IET	Trinity Interagency Executive Team Meeting
December 27, 2000	OP	10:00 - 11:00 AM Radio Broadcast - KRLD 1080AM - The Charlie Jones Show - Regarding Trinity River. Guest host Ms. Laura Miller (City Councilwomen). Panel guests included Honorable Lee Jackson (Dallas County), Mr. Walter Skipwith (Halff Associates, Inc.), and Mr. Ned Fritz via telephone.
January 10, 2001	OP	Briefing to Stemmons Corridor Business Association Board of Directors
January 17, 2001	AC	Meeting and field trip with members of Texas Historical Commission, TxDOT Environmental, TxDOT Dallas, NTTA, City of Dallas, and Consultant Architect to categorize structures displaced by each alternative.
January 23, 2001	IET	Trinity Interagency Executive Team Meeting
February 5, 2001	OP	Briefing to Oak Cliff Chamber of Commerce Board of Directors
February 21, 2001	OP	Briefing to the Dallas Chapter of American Society of Landscape Architects
February 27, 2001	IET	Trinity Interagency Executive Team Meeting
March 8, 2001	IET	Trinity Interagency Executive Team Meeting

DATE	CATEGORY	EVENT
March 26, 2001	IET	Trinity Interagency Executive Team Meeting
April 10, 2001	OP	Oak Cliff Chamber of Commerce Development Meeting
April 19, 2001	AC	Mayor's Summit on the Trinity River Corridor with members of USACE, TxDOT, NTTA, Texas Parks and Wildlife, USEPA, and City of Dallas
April 19, 2001	OP	Presentation to the American Institute of Architects – Dallas–Fort Worth Chapter
April 24, 2001	IET	Trinity Interagency Executive Team Meeting
May 3, 2001	OP	Presentation to the Lovers Lane Methodist Church – North Dallas Shepard's Center
May 22, 2001	IET	Trinity Interagency Executive Team Meeting
July 2, 2001	OP	Presentation to the Oak Cliff Chamber of Commerce
July 19, 2001	OP	Presentation to the Oak Cliff Chamber of Commerce
July 24, 2001	IET	Trinity Interagency Executive Team Meeting
August 10, 2001	OP	Briefing to Highland Park Mayor and City Council Committee
August 10, 2001	AC	Meeting with USEPA and NTTA to review alternatives and Environmental Justice overview
August 22, 2001	AC	Coordination meeting held with City of Dallas, USACE, FHWA, NTTA and USEPA to discuss Joint Development Projects and Streamlining the Supplemental EA with the DEIS
August 28, 2001	IET	Trinity Interagency Executive Team Meeting
September 10, 2001	OP	Blachard & NTTA Coordination Meeting
September 12, 2001	AC	Coordination Meeting with Operation, Planning and Regulatory personnel at USACE, with City of Dallas and NTTA to overview alternatives within the Dallas Floodway and operations design criteria for the levees
September 19, 2001	OP	Presentation TRCCC Transportation and Economic Development Subcommittees
September 25, 2001	IET	Trinity Interagency Executive Team Meeting
October 2, 2001	AC	Small Group Coordination Meeting
October 2, 2001	OP	Trinity Commons Bus Tour
October 11, 2001	OP	Mayor's Summit Preparation
October 15, 2001	OP	Urban Land Institute Briefing
October 23, 2001	IET	Trinity Interagency Executive Team Meeting
October 25, 2001	OP	Dallas Assembly Briefing
December 4, 2001	IET	Trinity Interagency Executive Team Meeting
December 12, 2001	OP	Dallas Real Estate Council Presentation

DATE	CATEGORY	EVENT
January 22, 2002	IET	Trinity Interagency Executive Team Meeting
February 19, 2002	IET	Trinity Interagency Executive Team Meeting
March 26, 2002	IET	Trinity Interagency Executive Team Meeting
April 19, 2002	BF	Dallas Councilman Leo Chaney
April 20, 2002	IET	Trinity Interagency Executive Team Meeting
April 26, 2002	BF	Presentation to City of Dallas Council and Mayor Miller
May 28, 2002	IET	Trinity Interagency Executive Team Meeting
May 28, 2002	PM	Economic Development of Trinity Corridor
June 2002	OP	Mayor's Summit Presentation
June 25, 2002	IET	Trinity Interagency Executive Team Meeting
July 23, 2002	IET	Trinity Interagency Executive Team Meeting
August 1, 2002	OP	Dallas Urban Design consultant pre-proposal Meeting
August 27, 2002	IET	Trinity Interagency Executive Team Meeting
September 5, 2002	OP	Dallas Urban Design Consultant Kick Off Meeting
September 9, 2002	BF	Dallas Council Transportation and Telecommunication Committee (CTTC) Meeting
September 12, 2002	AC	Meeting with Dallas and NCTCOG for Sept. 23 Council CTTC meeting
September 23, 2002	BF	Dallas Council CTTC Meeting
September 24, 2002	IET	Trinity Interagency Executive Team Meeting
October 3, 2002	AC	Dallas Urban Design Coordination Meeting
October 14, 2002	BF	Dallas Council CTTC Meeting
October 16, 2002	AC	Dallas Urban Design Coordination Meeting
October 18, 2002	AC	Meeting with Dallas and NCTCOG for Oct. 28 Council CTTC Meeting
October 22, 2002	IET	Trinity Interagency Executive Meeting
October 28, 2002	BF	Dallas Council CTTC Meeting
December 3, 2002	IET	Trinity Interagency Executive Team Meeting
January 13, 2003	BF	Dallas City Council CTTC Meeting
January 28, 2003	IET	Trinity Interagency Executive Team Meeting
January 30, 2003	AC	City of Dallas and Oncor Energy regarding Electric Transmission Main Routing

DATE	CATEGORY	EVENT
February 25, 2003	IET	Trinity Interagency Executive Team Meeting
February 27, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
February 28, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
March 5, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
March 24, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
March 25, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
March 25, 2003	IET	Trinity Interagency Executive Team Meeting
April 9, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
April 15, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
April 16, 2003	BF	City Council Briefing
April 25, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
May 15, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
May 21, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
May 22, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
May 23, 2003	BF	Dallas Mayoral Briefing
May 27, 2003	IET	Trinity Interagency Executive Team Meeting
June 10, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
June 13, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
June 16, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
June 24, 2003	IET	Trinity Interagency Executive Team Meeting
July 2, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
July 16, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
July 22, 2003	IET	Trinity Interagency Executive Team Meeting
August 26, 2003	IET	Trinity Interagency Executive Team Meeting
September 5, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
September 9, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
September 12, 2003	AC	City of Dallas Mayor's Meeting
September 15, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals

DATE	CATEGORY	EVENT
September 23, 2003	AC	Trinity Interagency Executive Team Meeting
September 25, 2003	AC	Meeting with City of Dallas, Dallas Plan, NTTA and NCTCOG regarding Urban Design Proposals
October 2, 2003	BF	City of Dallas Mayor's Meeting
October 8, 2003	BF	City of Dallas Council Briefing on EIS Revisions
October 10, 2003	AC	City of Dallas Project Scheduling
October 15, 2003	BF	NTTA Board of Directors Briefing
October 17, 2003	BF	Dallas Mayor meeting with NTTA and TxDOT
October 28, 2003	IET	Trinity Interagency Executive Team Meeting
November 4, 2003	AC	Dallas Councilman Ed Oakley and Oncor
November 19, 2003	AC	City of Dallas, TxDOT and NTTA on UPRR impacts and Woodall Rodgers Extension Coordination
November 21, 2003	BF	Dallas Mayor's Meeting with NTTA and TxDOT
January 16, 2004	BF	Dallas Mayor's Meeting with NTTA and TxDOT
January 20, 2004	IET	Trinity Interagency Executive Team Meeting
January 27, 2004	IET	Trinity Interagency Executive Team Meeting
February 12, 2004	AC	City of Dallas, TxDOT and NTTA on UPRR impacts and Woodall Rodgers Extension Coordination
February 13, 2004	BF	Dallas Mayor's Meeting with NTTA and TxDOT
February 17, 2004	CAWG	Conducted CAWG Meeting
February 24, 2004	PM	Public Meeting conducted in West Dallas
February 24, 2004	IET	Trinity Interagency Executive Team Meeting
February 26, 2004	PM	Public Meeting conducted in South Dallas
March 9, 2004	OP	TR Hoover Neighborhood Association Presentation
March 9, 2004	OP	New Hope Baptist Church Presentation
March 18, 2004	OP	Bus Tour for South Dallas Elected Official's Staff & Neighborhoods
March 23, 2004	IET	Trinity Interagency Executive Team Meeting
March 27, 2004	OP	Booth at TR Hoover Neighborhood Association Community Fair
March 27, 2004	OP	Clean South Dallas Joint Neighborhood Associations' Meeting
April 9, 2004	BF	Dallas Mayor's Meeting with NTTA and TxDOT
April 21, 2004	OP	Leadership Dallas Presentation

DATE	CATEGORY	EVENT
April 23, 2004	AC	City of Dallas, TxDOT and NTTA on UPRR impacts and Woodall Rodgers Extension Coordination
May 14, 2004	BF	Dallas Mayor's Meeting with NTTA and TxDOT
May 25, 2004	IET	Trinity Interagency Executive Team Meeting
June 4, 2004		Presentation to the Dallas Regional Mobility Coalition
June 14, 2004	AC	NTTA and TxDOT regarding connection of TP to IH-35 South
June 16, 2004	BF	Representative Yvonne Davis, Councilman Ed Oakley, Councilman Hill
June 22, 2004	BF	Senator Royce West and Representative Terry Hodges. Councilman Oakley. Councilman Chaney.
June 22, 2004	IET	Trinity Interagency Executive Team Meeting
June 23, 2004	BF	New Hope Church - Presentation to Trustees
July 27, 2004	IET	Trinity Interagency Executive Team Meeting
August 18, 2004	--	Ceremony to announce Environmental Streamlining of TP by FHWA Administrator Mary Peters and Texas Governor Rick Perry
August 24, 2004	IET	Trinity Interagency Executive Team Meeting
September 09, 2004	BF	St. Phillips Neighborhood Development Corporation
September 10, 2004	BF	Dallas Mayor's Meeting with NTTA and TxDOT
September 18, 2004	OP	West Dallas Chamber of Commerce
September 21, 2004	IET	Trinity Interagency Executive Team Meeting
October 19, 2004	BF	FHWA Deputy Director Briefing and Bus Tour
October 26, 2004	IET	Trinity Interagency Executive Team Meeting
November 5, 2004	BF	Dallas Mayor's Meeting with NTTA and TxDOT
November 16, 2004	BF	South Dallas Local and State Elected Officials
September 16-17 2004	BF	South Dallas Local and State Elected Officials
December 7, 2004	IET	Trinity Interagency Executive Team* Meeting
December 10, 2004	BF	Dallas Mayor's Meeting with NTTA and TxDOT
December 14, 2004	OP	Meeting with Okon Metals re its property
December 16, 2004	BF	South Dallas Local and State Elected Officials
January 12, 2004	AC	Meeting with USEPA, NTTA, FHWA, TxDOT and City of Dallas
January 13, 2005	BF	Dallas Mayor's Meeting with NTTA and TxDOT

DATE	CATEGORY	EVENT
January 25, 2005	IET	Trinity Interagency Executive Team Meeting
January 28, 2005	BF	South Dallas Local and State Elected Officials
February 15, 2005	CAWG	Conducted CAWG Meeting
February 22, 2005	IET	Trinity Interagency Executive Team Meeting
February 25, 2005	OP	Booth at the Annual Trinity Commons Luncheon
March 4, 2005	BF	Dallas Mayor's Meeting with NTTA and TxDOT
March 22, 2005	IET	Trinity Interagency Executive Team Meeting
March 29, 2005	PH	Public Hearing and Open House at the Dallas Convention Center Arena
April 12, 2005	AC	Meeting of the City of Dallas, NTTA, LLS and USACE
April 26, 2005	IET	Trinity Interagency Executive Team Meeting
May 11, 2005	AC	Meeting of the City of Dallas, NTTA, FHWA, LLS, USACE, and USEPA
May 24, 2005	IET	Trinity Interagency Executive Team Meeting
June 28, 2005	IET	Trinity Interagency Executive Team Meeting
July 26, 2005	IET	Trinity Interagency Executive Team Meeting
August 10, 2005	AC	Meeting of the City of Dallas, NTTA, FHWA, USACE, and USEPA
August 12, 2005	BF	Meeting of City of Dallas and ExxonMobil re Commonwealth Campus
August 12, 2005	BF	Dallas Mayor's Meeting with NTTA and TxDOT
September 2, 2005	AC	Meeting of the City of Dallas, NTTA, FHWA, USACE, and USEPA
September 2, 2005	AC	Meeting with the City of Dallas
September 15, 2005	BF	Meeting with City of Dallas Councilman Leo Chaney
September 20, 2005	AC	TxDOT Design Concept Conference on the Woodall Rodgers Freeway extension
September 27, 2005	IET	Trinity Interagency Executive Team Meeting
September 29, 2005	AC	Meeting with the City of Dallas re floodway park access
October 4, 2005	OP	Trinity Commons Meeting
October 14, 2005	AC	Meeting with the City of Dallas
October 14, 2005	AC	Meeting with USACE
October 24, 2005	OP	South Dallas Planning Workshop (Forward Dallas)

DATE	CATEGORY	EVENT
October 25, 2005	IET	Trinity Interagency Executive Team Meeting
November 1, 2005	AC	Meeting with USACE
November 16, 2005	AC	Meeting with FHWA, USEPA, USACE, TxDOT, NTTA, City of Dallas
November 17, 2005	IET	Trinity River Executive Team Meeting
November 22, 2005	AC	Meeting with USACE, FHWA, City of Dallas and NTTA
December 1, 2005	OP	Dallas County - Transportation
December 13, 2005	AC	Scoping Meeting for USACE Trinity River Floodway EIS
January 3, 2006	AC	Meeting with USACE
January 26, 2006	AC	Meeting with TxDOT re antiquities permit and historic structures report overview
January 27, 2006	IET	Trinity Interagency Executive Team Meeting
February 8, 2006	AC	Meeting with TxDOT ENV and FHWA to provide overview of SDEIS draft
February 10, 2006	AC	Meeting with USACE to discuss archeological trenching
February 21, 2006	AC	Meeting with USACE to review GIS and vegetation mapping
February 28, 2006	IET	Trinity Interagency Executive Team Meeting
March 2, 2006	AC	Meeting with TxDOT ENV
March 28, 2006	IET	Trinity Interagency Executive Team Meeting
April 27, 2006	AC	Meeting with TxDOT/Dallas re Sylvan Bridge
April 28, 2006	AC	Meeting with USACE to review comments
May 1, 2006	AC	Meeting with USACE
May 4, 2006	AC	Meeting with Dallas Floodway Management Department
May 23, 2006	IET	Trinity Interagency Executive Team Meeting
June 27, 2006	IET	Trinity Interagency Executive Team Meeting
July 25, 2006	IET	Trinity Interagency Executive Team Meeting
August 1, 2006	AC	Meeting with USACE and DART
August 28, 2006	IET	Trinity Interagency Executive Team Meeting
September 26, 2006	IET	Trinity Interagency Executive Team Meeting
October 11, 2006	AC	Meeting with City of Dallas and NTTA

DATE	CATEGORY	EVENT
October 24, 2006	AC	Meeting with USACE
October 24, 2006	IET	Trinity Interagency Executive Team Meeting
November 2, 2006	AC	Meeting with City of Dallas Floodway Operations
November 3, 2006	AC	Meeting with USACE
November 7, 2006	AC	Meeting with NTTA, FHWA, USACE and City of Dallas
November 24, 2006	IET	Trinity Interagency Executive Team Meeting
December 14, 2006	AC	Coordination meetings with City of Dallas and Lake Design Consultants
December 20, 2006	AC	Coordination meetings with City of Dallas and Lake Design Consultants
January 23, 2007	IET	Trinity Interagency Executive Team Meeting
February 15, 2007	AC	NTTA, FHWA, USACE, and USEPA Coordination Meeting in Washington, DC
February 20, 2007	IET	Trinity Interagency Executive Team Meeting
March 13, 2007	AC	NTTA, USACE, and City of Dallas Coordination Meeting
March 27, 2007	IET	Trinity Interagency Executive Team Meeting
April 3, 2007	BF	Briefing for the City of Dallas
April 24, 2007	IET	Trinity Interagency Executive Team Meeting
April 27, 2007	PM	Greater Dallas Chamber of Commerce Public Works Forum
May 22, 2007	IET	Trinity Interagency Executive Team Meeting
June 5, 2007	AC	Geotechnical Work Group Meetings
June 19, 2007	IET	Trinity Interagency Executive Team Meeting
June 25, 2007	AC	Coordination on Context Sensitive Design with NTTA and City of Dallas
June 28, 2007	AC	Attend Trinity Lakes Design Team Meeting
July 9, 2007	AC	Hydraulics Workgroup Meeting
July 24, 2007	IET	Trinity Interagency Executive Team Meeting
August 23, 2007	AC	Attend Trinity Lakes Design Team Meeting
August 28, 2007	IET	Trinity Interagency Executive Team Meeting
September 6, 2007	IET	Trinity Interagency Executive Team Meeting
September 11, 2007	IET	Trinity Interagency Executive Team Meeting

DATE	CATEGORY	EVENT
September 17, 2007	AC	Dallas Mayor's Meeting with NTTA, TxDOT, and USACE
September 18, 2007	AC	Hydraulic Work Group Meeting
September 20, 2007	PM	Attended meeting hosted by Senator Royce West and Commissioner John Wiley Price on Trinity Project
September 25, 2007	IET	Trinity Interagency Executive Team Meeting
September 25, 2007	AC	Geotechnical Work Group Meeting
October 23, 2007	IET	Trinity Interagency Executive Team Meeting
December 4, 2007	IET	Trinity Interagency Executive Team Meeting
December 11, 2007	AC	Agency Scheduling Coordination Meeting, FHWA, USACE, TxDOT, NTTA, City of Dallas
January 8, 2008	BF	Briefing to City of Dallas Trinity River Corridor Committee
January 18, 2008	AC	Mayor's Summit Coordination Meeting with FHWA, TxDOT, USACE, NTTA, USEPA and the City of Dallas
January 22, 2008	IET	Trinity Interagency Executive Team Meeting
January 23, 2008	AC	NTTA Coordination with City of Dallas Lake Design Team
January 30, 2008	OP	Bus Tour of Trinity Project with City of Dallas, Urban Land Institute and the Real Estate Council
February 5, 2008	BF	Briefing to City of Dallas Trinity River Corridor Committee
February 21, 2008	AC	Design Guidelines Workshop with City of Dallas, TxDOT and THC
February 26, 2008	IET	Trinity Interagency Executive Team Meeting
March 5, 2008	AC	Coordination meeting between USACE, NTTA, and City of Dallas Lake Design Team for Section 404 Review Process
March 20, 2008	AC	Meeting at Texas Historical Commission (THC) in Austin to review Cultural Resources with NTTA, TxDOT Dallas District, THC and FHWA
March 25, 2008	IET	Trinity Interagency Executive Team Meeting
March 26, 2008	AC	Coordination meeting with NTTA and TxDOT Dallas District related to noise impacts within Dallas Floodway from Trinity Parkway
March 29, 2008	AC	Design Guidelines Workshop with City of Dallas, Dallas Lake Design Team, NTTA, and USACE
April 22, 2008	IET	Trinity Interagency Executive Team Meeting
May 2, 2008	AC	Coordination meeting with City of Dallas, Dallas Lake Design Team, and NTTA to review the excavation plan and H&H results
May 9, 2008	AC	Dallas Lake Design Team and NTTA coordination and review of Noise Model and Field Measurements

DATE	CATEGORY	EVENT
May 19, 2008	AC	Cultural Resource Agency Coordination meeting and bus tour with City of Dallas Landmark Commission, Preservation Dallas, THC, TxDOT-ENV, TxDOT Dallas District, USACE, FHWA, and NTTA
May 20, 2008	AC	Review and refine project schedule with City of Dallas, USACE and NTTA
May 27, 2008	IET	Trinity Interagency Executive Team Meeting
May 29, 2008	AC	Review Trinity Parkway H&H models with NTTA and USACE
June 5, 2008	AC	NTTA coordination with City of Dallas, Oncor, and Dallas Lake Design Team related to utility relocations
June 6, 2008	AC	Mayor's Workshop Agency Coordination with NTTA, City of Dallas, FHWA, USACE, and TxDOT
June 24, 2008	IET	Trinity Interagency Executive Team Meeting
July 17, 2008	AC	Utility coordination with City of Dallas and Oncor
July 22, 2008	IET	Trinity Interagency Executive Team Meeting
July 22, 2008	AC	Project overview and coordination meeting with the Federal Emergency Management Agency (FEMA) Region VI
July 31, 2008	AC	Historic architectural resources coordination meeting and bus tour with the State Historic Preservation Officer (SHPO), Dallas County Historical Commission, and Preservation Dallas
August 26, 2008	IET	Trinity Interagency Executive Team Meeting
September 23, 2008	IET	Trinity Interagency Executive Team Meeting
May 5, 2009	PH	Public Hearing and Open House at the Dallas Convention Center Arena
May 8, 2012	PH	Public Hearing and Open House at the Dallas Convention Center Arena

NOTES:
* **Trinity River Executive Team** includes staff from the following organizations: City of Dallas Trinity River Corridor Project, NCTCOG, USACE (Fort Worth District and Dallas Division); TCEQ (Arlington Field Office), USEPA (Region VI), TxDOT (Dallas District), and NTTA.

Acronym Legend
AC: Agency Coordination
IET: Interagency Executive Team
PM: Public Meeting
OP: Outside Presentation
CAWG: Community Advisory Work Group (Community Advisory Work Group consists of 54 representatives from neighborhood, businesses, civic groups, landowners, and environmental groups.) Meetings are open to the public.
BF: Briefing

NORTH TEXAS TOLLWAY AUTHORITY
PUBLIC SCOPING MEETING
TRINITY PARKWAY
ENVIRONMENTAL IMPACT STATEMENT
JULY 8, 1999

1.0 Executive Summary

Pursuant to the National Environmental Policy Act (NEPA), on July 8, 1999, a public scoping meeting was conducted for the Trinity Parkway Environmental Impact Statement (EIS) at the Ramada Plaza Hotel, located at 1011 S. Akard Street in Dallas, Texas. The purpose of the meeting was to initiate public/agency involvement for the scoping process, which would be used to identify the range of alternatives, environmental impacts, and significant issues to be addressed in the EIS. The meeting opened with an approximate one-hour technical presentation, summarizing the role of the North Texas Tollway Authority (NTTA), the results of the TxDOT *Trinity Parkway Corridor Major Transportation Investment Study (MTIS)*, and information concerning the EIS process, including public/agency involvement activities, environmental issues, alternatives, and the project schedule. After the technical presentation and a short intermission, the attendees were asked to present verbal comments concerning scoping issues to be addressed in the EIS.

2.0 Meeting Format and Summary of Technical Presentation

Project exhibits were displayed before, during and after the meeting. The exhibits depicted the study corridor with four preliminary Build Alternatives (one along Industrial Boulevard and three along the Dallas Floodway), existing study corridor land use, the cause of the existing and projected traffic problems, and proposed cross-sections for the four preliminary Build Alternatives. The city of Dallas included an exhibit illustrating the proposed Trinity River Master Implementation Plan. Meeting handouts along with the city of Dallas publication *Trinity River Corridor 1998 Year in Review* were distributed at the sign-in table prior to the meeting.

The meeting began with opening remarks and introductions by Mr. Jerry Hiebert, Executive Director, with the NTTA. Mr. Hiebert provided an overview of the NTTA and discussed the reasons for sponsoring the preparation of the EIS. He presented the meeting's agenda and methods for the public to offer comments on the study.

Mr. Martin Molloy, President of Halff Associates, Inc., summarized the results of the TxDOT *Trinity Parkway Corridor MTIS*, which explained the cause of existing and future traffic problems in the Trinity River Corridor and presented elements of the adopted MTIS Plan of Action, including the proposed reliever route (Trinity Parkway) for solving traffic problems. Included was a discussion of the four preliminary Build Alternatives selected from the MTIS for the reliever route, which include the following:

Industrial Boulevard Alternative

- An elevated roadway (double-deck) over existing Industrial Boulevard with eight general-purpose lanes.

Trinity River Alternatives

- A combined parkway with eight general purpose lanes on the river side of the east levee,
- A split parkway with eight general purpose lanes on the river side of both levees, and
- A split parkway with eight general-purpose lanes on the land side of both levees.

Typical sections and computer renderings of the alternatives were displayed and discussed. In addition, details were presented concerning possible access to IH-30 and IH-35E along the reliever route near downtown Dallas.

Mr. David Morgan presented an overview of the EIS process, including NEPA requirements, the EIS scoping process, plans for public/agency involvement, environmental resource issues, and the anticipated project schedule. Copies of the slides presented during the technical presentation are presented in Appendix A.

Mr. Hiebert concluded the technical presentation by asking for public comments concerning the project. Following a brief intermission, citizens spoke before the group offering their comments. Mr. Hiebert adjourned the meeting after conclusion of the public comment session.

3.0 DISPLAYS

Exhibits were displayed showing background on the cause of the existing and projected traffic problems, the proposed study corridor depicted with the four preliminary Build Alternatives, existing land use within the study area, and diagrams and typical sections of alternative routes evaluated during the TxDOT MTIS. Included was an exhibit illustrating the proposed Trinity River Master Implementation Plan provided by the city of Dallas.

4.0 HANDOUTS

- Meeting Agenda
- Copy of the slides used during the technical presentation
- Trinity Parkway EIS - Information Sheet
- Trinity Parkway EIS - Public Scoping Meeting Written Comment Sheet
- City of Dallas - *Trinity River Corridor 1998 Year in Review*

Copies of the meeting handouts are presented in Appendix B.

5.0 MEETING DETAILS

Date:	July 8, 1999 - 7:00 PM to 9:30 PM
Location:	Ramada Plaza Hotel 1011 S. Akard Street Dallas, Texas 75215
Attendance:	Approximately 130 People

Summary of Oral Comments

Moderator: Mr. Jerry Hiebert, Executive Director, NTTA

The following is a summary of the oral comments received:

- Widespread opposition to a roadway alternative built between the levees
- Widespread support for a roadway built outside of the levees, including Industrial Boulevard
- Concerns about potential loss of trees caused by the river alternatives
- Concerns about increased flooding downstream due to an alternative built between the levees
- Concerns about air, noise, and visual effects caused by the reliever roadway
- Concerns about a reliever roadway built between the levees and its effect on planned recreational facilities within the Dallas Floodway
- Concerns about the reliever roadway dividing communities located on both sides of the river
- Concerns about building a reliever roadway instead of developing mass transit alternatives
- Concerns about the river alternatives and their potential effects on the migratory path of certain bird species
- Concerns about the effects of urban development and adjacent land use changes caused by the reliever roadway
- Concerns about exceeding the approved funding of the reliever roadway due to the proposed signature bridges across the river
- Concerns about costs associated with design and operation as a toll facility

6.0 SUMMARY OF WRITTEN COMMENTS

During the public scoping meeting, written comment sheets were distributed. The comment sheets were provided to the attendees to state general comments, suggestions or concerns (e.g. alternatives, environmental concerns, significant issues, etc.) to be addressed in the EIS. Six comment sheets were received during the meeting and by direct mail. In addition, 23 letters were received. Copies of the written comments received are presented in Appendix C.

7.0 MEETING NOTIFICATION PROCESS

Direct Mailings
Mail lists provided by TxDOT, Army Corps of Engineers, and the Trinity River Corridor Citizens Committee were used for direct mailings to notify interested citizens, property owners, and

elected officials of the meeting. Each mailing included a cover letter and the public meeting notice. A copy of the letter circulated is presented in Appendix D.

Legal Advertisements
Legal notices of the meeting were published in *The Dallas Morning News* on June 23, 1999 the *Dallas Weekly* on June 29, 1999 and the *El Sol de Texas* on June 25, 1999. Copies of the legal notices are presented in Appendix D.

Newspaper Advertisements
A paid advertisement announcing the meeting was published in *The Dallas Morning News* on July 7, 1999. A copy of the advertisement is presented in Appendix D.

8.0 MEETING RECORDS

Photographs
Photographs taken during the July 8, 1999 public scoping meeting are presented in Appendix E.

Transcript
Court Reporters Associated prepared a transcript of the proceedings of the public scoping meeting. A copy of the transcript is presented in Appendix F.

Record of Attendance
Copies of the sign-in sheets completed during the meeting are presented in Appendix G.

TABLE A-3.1. COMMUNITY ADVISORY WORK GROUP - TRINITY PARKWAY EIS

REP	TITLE	FIRST NAME	LAST NAME	COMPANY	ADDRESS
Staff	Mr.	Greg	Ajemian	City of Dallas	OCMC, 320 E. Jefferson
Staff	Mr.	Chris	Anderson	NTTA - Planning Director	P. O. Box 260729
Alt	Mr.	Monte	Anderson	Best Southwest Chamber	2021 N. Hampton, Ste. 140
Rep	Ms.	Shirley	Augurson	Environmental Protection Agency	USEPA - Region 6 (6RA-DJ) 1445 Ross Avenue, Suite 1200
Staff	Ms.	Alva	Baker	Baker Consulting Associates	2401 South Blvd.
Rep	Mr.	Shallie	Bey	W. Dallas Neighborhood Development Corp.	2907 N Hampton Rd
Staff	Mr.	Mark	Bouma	NTTA	16610 Dallas Parkway, Suite 2300
Rep	Ms.	Carol	Brandon	Dallas Park & Recreation Board	116 Halsey
Rep	Mr.	Charles D.	Briner	Save Open Space	8924 Capri Drive
Rep	Ms.	Barbara	Brown	Big City Crushed Concrete, Inc.	5900 Willow Lane
Alt	Mr.	Mason C.	Brown	Big City Crushed Concrete, Inc.	PO Box 29816
Rep	Mr.	John	Cappello, Pres.	West Dallas Chamber	2424 N. Westmoreland Road
Rep	Mr.	Bill	Ceverha	New Trinity Coalition	2911 Turtle Creek Blvd., #900
Rep	Mr.	John	Clark	TRCCC - Econ. Dev. Comm. Chair	1912 Shumard Oak Lane
Staff	Mr.	Matthew	Craig	Halff Associates	8616 Northwest Plaza Drive
Alt	Mr.	Tom	Crow	Sierra Club	5715 Surrey Square Lane
Alt	Ms.	Diane	Curry	Dallas Park & Recreation Board, President	6658 Ridgeview Circle
Staff	Mr.	Harold	Denney	Administrator Assistant County Commissioner District 1, Jim Jackson	2311 Joe Field Road
Staff	Ms.	Rebecca	Dugger, P.E.	City of Dallas	320 East Jefferson, Room 107
Staff	Mr.	David	Dybala, P.E.	City of Dallas	Public Works Department; City Hall 1500 Marilla, Room 6BN
Alt	Ms.	Lela	Edward, Chair	W. Dallas Neighborhood Development Corp.	2907 N Hampton Rd
Rep	Ms.	Lillie Mae	Fain	E. Oak Cliff Neighborhood District 10th Street Comm. Dev. District	640 S. Moore Street
Rep	Mr.	E. Larry	Fonts	Central Dallas Association	1201 Elm Street, Suite 5310
Rep	Mr.	Brad	Forslund	JPI Properties	600 E. Las Colinas Blvd., Suite 1800
Alt	Mr.	Ned	Fritz	Texas Committee on Natural Resources	4144 Cochran Chapel

REP	TITLE	FIRST NAME	LAST NAME	COMPANY	ADDRESS
Alt	Mr.	Thomas	Fry	Texas Trails Network, President-Elect	PO Box 469002
Rep	Ms.	Shirley	Garcia	Magna Vista /Cedar Crest Neighborhood District - Cadillac Heights	814 La Salle
Rep	Mr.	Reginald	Gates	Dallas Black Chamber of Commerce	2838 Martin L. King, Jr. Blvd.
Alt	Ms.	Esther	Gebhardt	Greater Dallas Chamber of Commerce	1201 Elm Street, Suite 2000
Rep	Mr.	David	Gray	Texas Committee on Natural Resources	9432 Viewside Drive
Staff	Mr.	Bill	Hale, P.E.	TxDOT	PO Box 133067
Rep	Mr.	Lee	Halford, Jr.	Industrial Properties Corporation	400 East Carpenter Freeway
Alt	Ms.	Donna	Halstead, Pres.	Dallas Citizen's Council	901 Main Street, # 6212
Alt	Mr.	Gregg	Hamill	Industrial Properties Corporation	400 East Carpenter Freeway
Rep	Mr.	Elton	Harwell	Greater Dallas Planning Council	7702 Queens Garden Drive
Rep	Mr.	Welton	Haynes	Magna Vista /Cedar Crest Neighborhood District	1438 Bonnie View Rd
Alt	Mr.	Tad	Heimburger	N. Oak Cliff Neighborhood District	2158 Kessler Court
Alt	Mr.	Robert	Hensley, Jr.	Mixmaster Bus. Assoc.	424 S. Industrial Blvd
Rep	Mr.	Don	Hicks	Oak Cliff Chamber of Commerce Chairman Transportation Committee	2909 S. Hampton Road, LB #32
Staff	Mr.	Jerry	Hiebert	NTTA	P. O. Box 260729
Rep	Ms.	Joanne	Hill	Friends of the Trinity	4518 Ridge Rd
Staff	Mr.	John	Hoffman	Halff Associates	8616 Northwest Plaza Drive
Rep	Mr.	Craig C	Holcomb, Chair	TRCCC	PO Box 150248
Rep	Mr.	Mark	Housewright	TRCCC Transportation Comm. Chair	PO Box 4650
Alt	Mr.	Rick	Howell	Central Dallas Association	1201 Elm Street, Suite 5310
Staff	Ms.	Donna	Huerta	NTTA	P. O. Box 260729
Alt	Ms.	Ann	Huntington	Trammell Crow Company	2200 Ross Ave., #3700
	Mr.	Lee	Jackson, Chancellor	University of North Texas System	P. O. Box 311220
Rep	Mr.	Charles	Johnson	TRCCC - Vice Chairman	3055 S. Marsalis Ave.
Rep	Ms.	Debra	Johnson	W. Dallas Neighborhood District Voice of Hope Ministries	4144 Norco
Alt	Mr.	Greg	Johnson	Dallas Methodist Hospitals Foundation	PO Box 655999
Alt	Mr.	Norris	Johnson	S. Dallas Neighborhood District	3419 Edgewood

REP	TITLE	FIRST NAME	LAST NAME	COMPANY	ADDRESS
Rep	Ms.	Maureen	Jones	N. Oak Cliff Neighborhood District	1136 Woodlawn Ave
Alt	Mr.	Ronald	Jones	S. Dallas Neighborhood District	1507 Brook Valley Court
Staff	Ms.	Jill	Jordan, P.E.	City of Dallas	City Hall, 1500 Marilla Street, 4DN
Rep	Mr.	Rick	Keeler	Best Southwest Chamber	2021 N. Hampton, Ste. 140
	Honorable Judge	Margaret	Keliher	Dallas County Commissioners Court	411 Elm Street
Alt	Mr.	David	Kerr	Greater Dallas Planning Council	3710 Rawlins, LB 21, Suite 830
Rep	Mr.	Mike	Koesling	Woodbine Development Corp.	1445 Ross Ave., Suite 5000
Alt	Ms.	Maurine	Lee	Dallas County Audubon Society	4012 Southwestern Blvd.
Alt	Ms.	Kelly	Lindig	Woodbine Development Corp.	1445 Ross Ave., Suite 5000
Rep	Mr.	Charles	Lively	Trinity Improvement Association	660 S. Zang Blvd.
Rep	Ms.	Rosa	Lopez	W. Dallas Neighborhood District Vecinos Unidos, Inc.	3603 N. Winnetka Ave
Rep	Ms.	Wendy	Lopez	Greater Dallas Chamber of Commerce LopezGarcia Group	1825 Market Center Blvd., Suite 150
Staff	Mr.	Sam	Lopez	City of Dallas	1500 Marilla Street
Alt	Mr.	Ernest	Lopez, Pres.	West Dallas Business Assoc.	3110 Ruder Street
Alt	Ms.	Kathy	Love	Dallas County Commissioners Court	411 Elm Street
	Ms.	Barbara	Mallory Caraway	Barbara Mallory Caraway & Associates	1934 Argyle
Alt	Ms.	Maxey	Marshall	Magna Vista /Cedar Crest Neighborhood District	2949 King Cole Circle
Staff	Ms	Judy	Marsicano	US Army Corps of Engineers	819 Taylor Street, Room 3A24 P.O. Box 17300
Alt	Mr.	Joe	May	Cedars/Fair Park/E. Dallas Neighborhood District	2206 N Garrett
Rep	Ms.	Dorothy	McCary	W. Dallas Neighborhood District (Ledbetter Gardens Neighborhood)	4132 Norco
Alt	Ms.	Vicki	Meek	Cedars/Fair Park/E. Dallas Neighborhood District/S. Dallas Cultural Center	3400 Fitzhugh
Rep	Mr.	Bud	Melton	Texas Trails Network	PO Box 141318
Rep	Mr.	Bennett	Miller	Cedars/Fair Park/E. Dallas Neighborhood District	1711 S. Ervay Street
Rep	Ms.	Jackie	Mixon	S. Dallas Neighborhood District	2558 Starks
Staff	Mr.	Martin	Molley	Halff Associates	8616 Northwest Plaza Drive
Alt	Mr.	Robert	Moore	Oak Farms Dairy	PO Box 655178

REP	TITLE	FIRST NAME	LAST NAME	COMPANY	ADDRESS
Staff	Mr.	David	Morgan	Halff Associates	8616 Northwest Plaza Drive
Alt	Mr.	John	Morris	N. Oak Cliff Neighborhood District	1302 Eastus Drive
Staff	Mr.	Michael	Morris	NCTCOG	Centerpoint II 616 Six Flags Dr., Suite 220
Rep	Mr.	Alford	Neal	E. Oak Cliff Neighborhood District	438 Ave E
Staff	Mr.	Tim	Nesbitt	TxDOT	PO Box 133067
Alt	Mr.	David	Newman	Stemmons Corridor Business Assoc.	8303 Chancelor Rd.
Alt	Mr.	Charles	O'Neal	Dallas Black Chamber of Commerce	2838 Martin L. King, Jr. Blvd.
Rep	Ms.	Diane	Ragsdale	S. Dallas Neighborhood District Innercity CDC	4907 Spring Ave.
Rep	Mr.	Campbell	Read	Dallas County Audubon Society	5839 Monticello
Staff	Ms.	Michelle	Releford	TxDOT	P.O. Box 133067
Alt	Dr.	I.M.	Rice	Trinity Improvement Association	660 S. Zang Blvd.
Staff	Mr.	Gene	Rice	US Army Corps of Engineers	819 Taylor Street, Room 3A24 P.O. Box 17300
Alt	Mr.	Burl D.	Ridge	Magna Vista /Cedar Crest Neighborhood District	1935 Cedar Crest Blvd
Rep	Ms..	Renee	Riggs	Stemmons Corridor Business Assoc.	P.O. Box 568887
Rep	Mr.	Craig	Roberts	Oak Farms Dairy	PO Box 655178
Rep	Mr.	Sherman	Roberts	Cedars/Fair Park/E. Dallas Neighborhood District (ORCDC)	5826 Fox Hill Lane
Rep	Mr.	Warren L.	Rutherford	Dallas Methodist Hospitals Foundation	400 S. Zang Blvd. Ste1214, LB56
Alt	Ms.	Nancy	Ruttle Loyd, Pres. & CEO	Oak Cliff Chamber of Commerce	660 South Zang Blvd.
Alt	Ms.	Patricia	Stephens	W. Dallas Neighborhood District	3643 Gallagher St
Staff	Mr.	Rick	Thomas	Halff Associates	8616 Northwest Plaza Drive
Rep	Mr.	Jed	Thompson	Blackard Developments	5385 FM 2934
Rep	Mr.	Arturo	Violante	Dallas Hispanic Chamber of Commerce	4622 Maple
Rep	Ms.	Mary	Vogelson	Save Open Space	9316 Guernsey
Rep	Mr.	John	Ward	West Dallas Business Assoc. Dallas Transfer & Terminal	2424 N. Westmoreland
Alt	Ms.	Debra	Washington	E. Oak Cliff Neighborhood District 10th Street Comm. Dev. District	PO Box 3759
Rep	Mr.	Nelvin	Washington	W. Dallas Neighborhood District	4307 Bernal Drive

REP	TITLE	FIRST NAME	LAST NAME	COMPANY	ADDRESS
Rep	Mr.	Joe	Wells	Sierra Club	2726 Kingston Street
Rep	Ms.	Sarah	Wilke	W. Dallas Neighborhood District	3100 Crossman
Rep	Mr.	Charlie	Williams	S. Central Comm. Dev. Corp.	9412 Jill Lane
Staff	Mr.	Sam	Williams	Baker Consulting Associates	2401 South Blvd.
Rep	Mr.	Marcus	Wood	Mixmaster Bus. Assoc.	6060 N. Central Expressway, Ste. 333

TABLE A-3.2. MEETING ATTENDANCE SUMMARY

MEETING DATE	CITIZEN'S TOTAL	CITY/COUNTY OFFICIALS	NTTA & STAFF	MEETING TOTAL
October 4, 1999	53	1	4	58
October 30, 1999 (Bus Tour)	29	1	5	35
December 13, 1999	43	2	7	52
January 10, 2000	55	3	8	66
February 14, 2000	58	2	9	69
March 13, 2000	48	1	9	58
April 10, 2000	48	2	8	58
May 8, 2000	45	1	7	53
June 12, 2000	40	1	7	48
September 11, 2000	49	1	12	62
February 17, 2004	25	7	9	41

Appendix A-4

Events to Inform the Public Prior to the 2007 Special Election

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APPENDIX A-4

EVENTS TO INFORM THE PUBLIC PRIOR TO THE 2007 SPECIAL ELECTION

On August 15, 2007, the City Secretary reported to the Dallas City Council that a petition submitted to the City of Dallas calling for prohibition of construction of certain roadways within the Trinity River levees from Westmoreland Road to IH-45 had been signed by the requisite number of qualified voters. City Council then ordered a special election to be held on the matter on November 6, 2007. The following is a list of speaking events and public debates that occurred leading up to the election in an effort to inform voters about the proposed project:

DATE	ORGANIZATION/EVENT	LOCATION	SPEAKER
08/15/07	Stemmons Corridor Business Association	City Hall	Craig Holcomb
08/16/07	Senator Royce West and Commissioner Price Town Hall meeting	Carter High School	No speaker
08/16/07	Executive Directors of a group of chambers	North Dallas Chamber	Craig Holcomb
08/20/07	Dallas 40	Popolo's Café (Preston Royal Shopping Center)	Craig Holcomb
08/24/07	Oak Cliff Chamber		Craig Holcomb
08/27/07	Texas Council of Engineering Companies	City Place, 2711 N Haskell Avenue	Alan Walne and Rebecca Dugger, P.E., Director, Trinity River Corridor Project, City of Dallas
08/28/07	East Dallas Rotary Club		Craig Holcomb
09/06/07	The Real Estate Council (TREC) - PAC Executive Committee meeting	Marketing Center at Lincoln Center	Ron Kirk
09/08/07	Lake Highlands White Rock Democrats	DanceMasters, 10675 Northwest Hwy.	Ed Oakley and Veletta Lill
09/11/07	Greater Dallas Pachyderm Club	Eddie Deen's Ranch in downtown Dallas (944 South Lamar)	Donna Halstead
09/11/07	TREC	Nana Grill at the Anatole Hotel	Mayor Leppert
09/11/07	Young Democrats of America - Dallas chapter		David Hart and opposing speaker
09/12/07	North Texas GLBT Chamber	Hilton Dallas Park Cities, 5954 Luther Lane	Ed Oakley
09/13/07	Dallas Breakfast Group	Crescent Hotel (Crescent II room), 400 Crescent Ct.,	Ron Kirk and Councilmember Koop
09/15/07	Trinity River and Creek Area Clean Up Day	AMC Grand Theatre Parking Lot at Technology Blvd (Northwest Hwy and I-35) for volunteer check-in	Ed Oakley
09/17/07	Crow Holdings – Commercial Real Estate Women (CREW) golf tournament	Stonebriar Country Club	Gina Norris and Mandy Lemmond
09/18/07	Uptown Exchange Group	Popolo's Café	Lois Finkelman

DATE	ORGANIZATION/EVENT	LOCATION	SPEAKER
09/19/07	Lake Highlands Republican Women's Club	9406 Winding Ridge Drive	Donna Halstead
09/20/07	Dallas Assembly	Arlington Hall 3333 Turtle Creek Blvd	Ron Kirk
09/20/07	West/Price Town Hall meeting	Townview	Willis Johnson and Mayor Leppert
09/21/07	Stemmons Corridor Business Association	Hilton Anatole (Grand Ballroom)	Mayor Leppert
09/22/07	Taste of Lake Highlands	Lake Highlands High School	Donna Halstead
09/24/07	"Eggs & Issues" (Brenda Reyes)	CityPlace	Brenda Reyes
09/24/07	Northwood Republican Woman's Club	Fretz Park Library, 6990 Belt Line Rd	
09/24/07	Hispanic Media Roundtable	Greater Dallas Hispanic Chamber of Commerce (GDHCC)	Mayor Leppert, Tom Lazo and Adelfo Callejo
09/24/07	GDHCC Board of Directors meeting	GDHCC	Brenda Reyes
09/25/07	Chamber Presidents publicly announcing support	Greater Dallas Chamber (GDC) 12th Floor Conference Center, 650 North Pearl Street (Plaza of Americas)	Chamber Presidents
09/25/07	League of Women Voters - Trinity Town Hall meeting	Rosemont Primary School, Chris V. Semos Campus, 1919 Stevens Forest Drive	Veletta Lill and Mayor Leppert
09/26/07	East Dallas Exchange Club	Lakewood Country Club, 6430 Gaston Ave.	Craig Holcomb
09/27/07	North Dallas Chamber - Business Leaders Briefing	North Dallas Chamber, 10707 Preston Road	Ron Kirk
09/27/07	North Texas Commercial Assn of Realtors (NTCAR) - Young Professionals Forum	Corgan Associates, Inc., 401 North Houston	Merry Wyatt and Alan Thomas
09/27/07	North Dallas Democratic Women's Club	Northaven United Methodist Church, 11211 Preston Rd.	Craig Holcomb
09/28/07	Dallas Chamber of Commerce - Public Advocacy Committee	GDC Conference Center, 12th Floor	Lee Jackson
10/01/07	Oak Cliff Chamber of Commerce Governmental Affairs Committee	Methodist Hospital Medical Center (Hitt Auditorium), 1441 N. Beckley Avenue	Mayor Leppert
10/01/07	Councilmember Jerry Allen's neighborhood meeting	Lake Highlands Freshman Center Auditorium, 10200 White Rock Trail	Councilmember Jerry Allen and Donna Halstead
10/2/07	Various Methodist Health System employee forums	Methodist Hospital	Kim Hollon
10/02/07	Dallas Trinity Rotary Club	Info Mart, 7th Floor/NW Conference Room (Stemmons Frwy. & Oak Lawn)	Alan Walne
10/02/07	Dallas Democratic Forum - Debate on the Trinity	Fairmont Hotel (1717 N Akard St), Pavilion Room	Mayor Leppert
10/02/07	Industrial business groups, sponsored by Stemmons Corridor Business Assn., Trinity Assn., and Mixmaster Business Assn.	Infomart (Hollerith Ballroom), 7th Floor Conference Center	Craig Holcomb and Ed Oakley
10/02/07	Oak Lawn Committee	The Warwick Melrose Hotel, Oak Lawn at Cedar Springs Road	Bob Stimson
10/02/07	Dallas Junior Chamber of Commerce	Belo Mansion (downtown – corner of Pearl and Ross)	Dupree Scovell and Alan Thomas

DATE	ORGANIZATION/EVENT	LOCATION	SPEAKER
10/03/07	Campaign Rally	Victory Park	
10/04/07	TREC - Membership Open House		
10/04/07	Various Methodist Health System employee forums	Methodist Hospital	Kim Hollon
10/04/07	North Dallas Neighborhood Alliance	Brentfield Primary School, 6767 Brentfield Drive	Councilmember Ron Natinsky and Linda Koop
10/06/07	Urban Trinity River Education Initiative/Town Hall Meeting	Paul Quinn College, 3837 Simpson Stuart Rd.	Craig Holcomb
10/06/07	Various Methodist Health System employee forums	Methodist Hospital	Kim Hollon
10/07/07	Temple Emanu-El Brotherhood	Temple Emanu-El (Tobian Auditorium), 8500 Hillcrest Road	Mayor Leppert and Bob Meckfessel
10/08/07	Bachman/Northwest Highway Community Association	Bachman Rec Center, 2750 Bachman Drive	Councilmember Koop
10/08/07	Dallas Republican Career Women	La Madeleine French Bakery, 3906 Lemmon Avenue	Donna Halstead
10/09/07	Northeast Chamber of Commerce		Councilmember Allen and Councilmember Kadane
10/09/07	South Dallas Pastors Coalition	Old Mill Inn restaurant in Fair Park	Mayor Leppert
10/09/07	Lakewood Neighborhood Association	Lakewood Elementary, 3000 Hillbrock	Gary Griffith
10/09/07	Peninsula Neighborhood Association	Bath House Cultural Center at White Rock Lake	Donna Halstead
10/09/07	Encore Homeowner's Association	Marriott Quorum, Addison	Councilmember Linda Koop
10/09/07	Gastonwood Coronado Homeowners Association (Hollywood/ Santa Monica Homeowners Association members to attend)	Lakewood Presbyterian Church, 7020 Gaston Ave.	Veletta Lill
10/09/07	East Kessler Park Neighborhood Association	Methodist Hospital	Warren Rutherford and Marcus Wood
10/11/07	Various Methodist Health System employee forums	Methodist Hospital	Kim Hollon
10/15/07	Dallas Public Affairs Luncheon Club	Park City Club, 5956 Sherry Lane, 17th Floor	Donna Halstead
10/15/07	Oak Cliff Chamber, Greater Dallas Hispanic Chamber, and Dallas Black Chamber Town Hall Meeting	Methodist Hospital	Ron Kirk, Michael Morris (NCTCOG), and Melissa Huffman
10/16/07	Park Cities Republican Women's Club	Meadows Museum, Southern Methodist University	Gina Norris
10/16/07	Stonewall Democrats		Ed Oakley
10/16/07	70 church organization headed by Reverend S.M. Wright	Trinity Center, 1444 Oak Lawn, Suite 200	Craig Holcomb
10/16/07	Prestonwood Homeowner's Association Annual Meeting	Prestonwood Elementary (RISD), 6525 La Cosa Drive	Councilmember Linda Koop
10/16/07	Little Forest Hills	White Rock United Methodist Church (1450 Oldgate @ Diceman)	Veletta Lill; Sam Coats
10/17/07	East Dallas MLS	Luby's (corner of Mockingbird and Abrams)	Craig Holcomb; Councilmember Angela Hunt

DATE	ORGANIZATION/EVENT	LOCATION	SPEAKER
10/17/07	Lower Greenville area event/debate with neighborhood associations (NA): Belmont NA, Barking Dogs, Lower Greenville NA, Lowest Greenville West NA, Lakewood Heights NA, Wilshire Heights, Vickery Place NA	Vickery Towers, 5619 Belmont Ave.	Robert Meckfessel
10/17/07	Grassroots Citizens of Dallas - Trinity Referendum Debate	Knights of Columbus (Northwest Hwy and Audelia in Lake Highlands)	Alan Walne; Donna Blumer
10/18/07	TREC	Gilley's (on Lamar)	Mayor Leppert
10/18/07	Highland Springs Retirement	Highland Springs Retirement, 8000 Frankford Road	Councilmember Ron Natinsky
10/18/07	Dallas Bar Association - Trinity Toll Road Referendum Forum	Belo Mansion	Ron Kirk
10/18/07	White Rock Republican Women's Club	Highland Park Cafeteria, Buckner and Garland	Donna Halstead
10/18/07	Bent Tree Country Club	Bent Tree Country Club, 5201 Westgrove Drive	Chancellor Lee Jackson and Councilmember Koop
10/18/07	Bryan Place Neighborhood Association	The Pool Clubhouse, 3030 Adolph St.	Warren Rutherford
10/18/07	Prestonwood Homeowner's Association		Councilmember Natinsky
10/19/07	Various Methodist Health System employee forums	Methodist Hospital	Kim Hollon
10/22/07	Veterans of Foreign Wars group	Belo Mansion	Bob Darrouzet and Mike Kutner
10/22/07	North Dallas Chamber of Commerce	Greek Orthodox Church, 13555 Hillcrest	Mayor Leppert; Councilmembers Koop and Natinsky and Michael Morris of NCTCOG
10/23/07	Lakeland Hills Crime Watch Organization	Church of the Nazarene (7979 East R.L. Thornton Fwy.)	Bob Stimson
10/23/07	Pena-West Homeowner's Association	Dallas Bible Church at Hillcrest and Arapaho	Councilmember Linda Koop
10/23/07	Swiss Avenue Historic District Association - Peak's Suburban, Junius Heights, Abrams Brookside and Munger Place in attendance	East Dallas Christian Church, 629 Peak Street	Veletta Forsythe Lill
10/24/07	Preston West Republican Women's Club	Weeburn Clubhouse 3749 Weeburn	Donna Halstead
10/25/07	North Texas AIOP	Dallas Country Club, 4110 Beverly Dr.	passed out materials
10/25/07	Edgemere Retirement Community Center	Edgemere Retirement Community Center, 8523 Thackery St.	Donna Halstead and Norm Bagwell
10/25/07	Jewish Community Relations Council	Jewish Community Center (Zale Auditorium), 7900 Northaven Rd.	Mayor Leppert and Chancellor Lee Jackson
10/27/07	Downtown Precinct 3204	1505 Elm (rec center)	Craig Holcomb; Sam Coats
10/29/07	Dallas Council of Engineering Companies	City Place on Haskell, Ground Floor	Craig Holcomb

DATE	ORGANIZATION/EVENT	LOCATION	SPEAKER
10/29/07	Mountain Creek Trinity Referendum Public Forum with Councilmember Neumann (District 3)	Park in the Woods Rec Center - 6801 Mountain Creek Parkway	Mayor Leppert
10/30/07	East Dallas Rotary Club		Gary Griffith
10/30/07	Dallas Homeowner's League	Thurgood Marshall Recreation Center, 5150 Mark Trail Way	Bob Stimsonble
10/30/07	Methodist Health System employee forum	Methodist Hospital	Kim Hollon
11/01/07	Northeast Dallas Chamber - Economic Summit	City Place	Councilmember Jerry Allen and Craig Holcomb
11/01/07	International Women's Foundation Dallas and Dallas Assembly	Trinity River Foundation, Visitors Center	Donna Halstead
11/01/07	North Oak Cliff -1st Thursday Event	Bishop Arts District	No speaker needed
11/02/07	2nd Annual Southern Dallas County University of North Texas Dallas Campus and Southern Dallas County Economic Development Seminar/Conference	Hilton Garden Inn, 800 N. Main, Duncanville	Mayor Leppert
11/02/07	3rd annual Carpe Diem Trinity River fishing tournament		provided materials
11/02/07	REES Associates Architecture and Interior Design	1801 N. Lamar St., Suite 600 (conference room)	Mitch Paradise
11/02/07	NTCAR - Bus tour		provided materials

The following is a sample of articles that have been printed in the Dallas Morning News discussing various aspects of the Trinity Parkway project:

Dallas Morning News. *Environmentalists Criticize Trinity Road Plan*. July 10, 1999.

---------. *Trinity Plan Revs Up Traffic Debate*. August 15, 1999.

---------. *Too Close for Comfort? Corps Questions Proximity of Road, Parks in Trinity Plan*. February 27, 2000.

---------. *Groups Assail Trinity Floodplain Efforts*. March 3, 2000.

---------. *Levee Builders Overstated Trinity Flood Danger, Critics Say*. March 4, 2000.

---------. *Trinity Parkway Estimate Soars*. November 11, 2000.

---------. *Group Sues, says Trinity Plan 'Altered'*. December 8, 2000.

---------. *Trinity Lawsuit: City Shouldn't Be Faulted for Being More Specific*. December 15, 2000.

---------. *Trinity Obstacles: Environmental Studies Must Be Coordinated*. August 2, 2001.

---------. *Lawsuit Delays: Dallas Should Be Allowed to Begin Trinity Work*. August 28, 2001.

---------. *Trinity Project Reshaped: Nonprofit Private Foundation Replaces City-Sponsored Group*. October 18, 2001.

---------. *Although Goals Applauded, Trinity River Plan Questioned*. January 20, 2002.

---------. *Trinity Project Faces Hurdles*. March 6, 2002.

---------. *Council Considering Reverting to Slow, Free Trinity Road Plan*. May 14, 2002.

---------. *Trinity Corridor: Consultants are Clarifying the Plan*. October 5, 2002.

---------. *Set Sail With the Latest Trinity River Plan*. March 30, 2003.

---------. *Valuing City's Trinity Land*. April 16, 2003.

---------. *Dallas Bridge Model Unveiled*. June 4, 2003.

---------. *Council Members: Trinity Plan Short on Cash Facts*. June 24, 2003.

---------. *Officials: Work on Trinity River Project to Get Under Way Soon*. July 11, 2004.

---------. *Trinity Bridge Funds Tied Up in Congress*. October 24, 2004.

---------. *Visions for Trinity Discussed at Forum*. November 20, 2004.

---------. *Framing a Vision for Trinity*. February 19, 2005.

---------. *Seeing Red Over Loss of Green Space*. February 21, 2007.

---------. *Election Won't Weaken Trinity River Project's Support*. June 14, 2007.

---------. *Trinity Road Opponents Face Deadline*. June 29, 2007.

---------. *City Says toll Road Could Withstand Severe Flood*. June 30, 2007.

---------. *Trinity Toll Road Foes Say 80,000 Signed Petition*. June 30, 2007.

---------. *On Sold Ground: Trinity Toll Road Would Not Be Underwater Now*. July 5, 2007.

---------. *$219,000 Spend to Oppose Trinity Toll Road*. July 17, 2007.

---------. *Group Spends $163,000 to Save Trinity Toll Road*. July 17, 2007.

---------. *Many Trinity Petitioners Were Paid Professionals*. July 24, 2007.

---------. *Verdict on Trinity Toll Road Petition Expected Sunday*. July 27, 2007.

---------. *Hunt Not Backing Down in Trinity Toll Road Fight*. July 29, 2007.

---------. *Trinity Debate Just Keeps Us Voting and Voting and*. July 31, 2007.

---------. *Trinity Petitions Face Check*. July 31, 2007.

---------. *DA Says He Hasn't Seen Suspect Trinity Signatures*. August 1, 2007.

---------. *In '98 Bond Vote, Backers Referred to Trinity Toll Road*. August 11, 2007.

---------. *Dallas Council Talks Trinity Toll Road Today*. August 15, 2007.

---------. *Dallas Voters to Decide Fate of Trinity Toll Road*. August 15, 2007.

---------. *Trinity Proposition Campaigns Seem Unusually Quiet*. September 18, 2007.

---------. *Fight Over Trinity Toll Road Starts at the Drawing Board*. September 19, 2007.

---------. *Corps: Trees on Trinity Parkway OK if Flood Rules Met*. September 19, 2007.

Notes: In regard to the list of speaking events and public debates shown above, these events were organized by supporters and opponents of the special election petition and/or interested local organizations, and not by FHWA, TxDOT or NTTA. In regard to the listed news articles, FHWA, TxDOT, and the NTTA do not represent the information and opinions presented by the Dallas Morning News in the above listed articles as being true and correct, and do not warrant the authenticity or reliability of the information. That is the sole responsibility of the Dallas Morning News. However, the listing is a reflection of the public interest in the proposed project, and provides a sample of the amount of media coverage and information that has been available for public consumption in addition to the agency and public participation events identified in **Appendix A-2**.

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Appendix A-5
Notice of Intent

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APPENDIX A-5

NOTICE OF INTENT

Item	Topic	Date	Page
Notice of Intent	----	06-19-99	1
Notice of Intent	----	12-12-00	2

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new alignments to the east or west of Marysville.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed, or are known to have, an interest in this proposal. In addition, scoping meetings will be held during the latter part of 1999. Public notice for these scoping meetings will be given. A public hearing will be held. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: June 7, 1999.

Robert F. Tally,

Chief, Program Delivery Team—North Sacramento, California.

[FR Doc. 99–15201 Filed 6–15–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Dallas County, Texas

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed transportation project in Dallas County, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Walter C. Waidelich Jr., District Engineer, Federal Highway Administration, 300 E. 8th Street, Room 826, Austin, Texas 78701, Telephone (512) 916–5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas Department of Transportation (TxDOT) and the North Texas Tollway Authority (NTTA), will prepare an environmental impact statement (EIS) for the Trinity Parkway reliever route from the SH–183/IH–35E interchange to SH–310/US–175 interchange to relieve traffic congestion on IH–35E and IH–30 within the City of Dallas. In 1998. A Major Transportation Investment Study (MTIS) was completed by TxDOT in order to develop a locally-preferred plan to solve transportation problems along the Trinity River corridor in Dallas and to integrate with community plans and goals for the Trinity River resource. The study was focused on transportation needs in the IH–35E/IH–30 interchange on the west side of downtown Dallas, locally known as the "Mixmaster," and the depressed segment of IH–30 south of downtown, locally known as the "Canyon." The MTIS Recommended Plan of Action is comprised of seven elements, which include improvements to existing facilities, improving alternative transportation modes, and constructing a reliever route along the Trinity River. The MTIS considered in detail four corridors for the proposed reliever route. These included Stemmons Freeway (IH–35E), Industrial Boulevard, the east Trinity River levee and the west Trinity River levee.

During the MTIS process, numerous alternatives were evaluated for the reliever roadway. The analysis of effects for each of the reliever roadway alternatives included the estimation of construction and right-of-way costs, traffic capacity considerations, effect on natural and cultural assets, effect on social and economic conditions, impacts on Trinity River projects, number of displacements, effect on access to adjacent properties, and difficulty/disruption in construction. From the preliminary alternatives considered, four build alternatives, one along existing Industrial Boulevard and three along the Trinity River levees, were identified as potential alternative alignments that warrant further study. The principal variations of the three alternatives along the Trinity River levees consist of a combined roadway with eight general purpose lanes along the river side of the east levee; a split parkway with four general purpose lanes along the river side of both levees; and a split parkway with four general purpose lanes along the land side of both levees. The Industrial Boulevard alternative consists of an elevated roadway (double-deck) with eight general purpose lanes and two high-occupancy vehicle (HOV) lanes. These alternatives and the no-build alternative along with any other reasonable alternatives identified during the scoping and public involvement processes will be analyzed in further detail during the EIS review process.

The EIS will include a discussion of the effects of other known and reasonably foreseeable agency actions proposed within the Trinity Parkway corridor study area, which include proposed projects by the US Army Corps of Engineers (USACE) and the City of Dallas. The USACE has proposed flood control improvements consisting of the proposed Dallas Floodway Extension, which encompasses the Dallas Floodway from the AT&SF Railroad near Corinth Street to IH–20; and proposed flood control improvements from the AT&SF Railroad to Royal Lane in Dallas. The USACE has submitted a final EIS for the proposed Dallas Floodway Extension project. The proposed flood control improvements between the AT&SF Railroad and Royal Lane will be evaluated as part of a Programmatic EIS to be completed by the USACE for the Trinity River complex from the southern boundary of Dallas County to the upper reaches of the Trinity River Elm Fork, West Fork, and Clear Fork. The City of Dallas has proposed various Trinity River floodway improvements, which include the construction of lakes, wetlands, hike and bike trails, parks, and other recreational amenities. This project is identified as the City of Dallas Trinity River Master Implementation Plan and is currently in the planning stage.

A public scoping meeting is planned to be held in the summer of 1999. The date will be announced locally at a later time. This will be the first in a series of meetings to solicit public comments on the proposed action. In addition, public hearings will be held. Public notice will be given of the time and place of the meetings and hearings. The Draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Walter C. Waidelich, Jr.,

District Engineer, Austin, Texas.

[FR Doc. 99–15262 Filed 6–15–99; 8:45 am]

BILLING CODE 4910–22–M

under Section 9 of the IFTA Act on March 13, 1998 (63 FR 12572), March 19, 1999 (64 FR 13623), October 15, 1999 (64 FR 56015), and October 24, 2000 (65 FR 64472).

The Government of Israel and the Government of the Hashemite Kingdom of Jordan have agreed to the designation of the Mushatta International Complex (protocol dated November 22, 2000), the El Zay Ready Wear Manufacturing Company Duty Free Area (protocol dated January 12, 2000) and the Al Qastal Industrial Zone (protocol dated November 22, 2000) as Qualifying Industrial Zones. The Government of Israel and the Government of Jordan further agreed that merchandise may enter, without payment of duty or excise taxes, areas under their respective customs control in association with the Mushatta, El Zay and Al Qastal Qualifying Industrial Zones. Accordingly, the Mushatta International Complex, the El Zay Ready Wear Manufacturing Company Duty Free Area and the Al Qastal Industrial Zone meet the criteria under paragraphs 9(e)(1) and (2) of the IFTA Act.

Therefore, pursuant to the authority delegated to me by the President in Proclamation 6955, I hereby designate the Mushatta International Complex, the El Zay Ready Wear Manufacturing Company Duty Free Area and the Al Qastal Industrial Zone, as established by the January 12, 2000 and November 22, 2000 Amending Protocols to the Agreement Between the Government of the Hashemite Kingdom of Jordan and the Government of the State of Israel on Irbid Qualifying Industrial Zone, as Qualifying Industrial Zones under section 9 of the IFTA Act, effective upon the date of publication of this notice, applicable to goods shipped from these Qualifying Industrial Zones after such date.

Dated: December 4, 2000.

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 00–31627 Filed 12–11–00; 8:45 am]

BILLING CODE 3901–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Dallas County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA issued a Notice of Intent to prepare an Environmental Impact Statement (EIS) for a Trinity Parkway reliever route, a transportation project, in the **Federal Register** on June 16, 1999 (Volume 64, Number 115). The FHWA is now issuing this supplementary Notice of Intent to include in the EIS a City of Dallas evaluation of a proposed City of Dallas Lake Plan located within the Trinity River Dallas Floodway in Dallas County, Texas. This proposed Lake Plan potentially affects the project corridor for the transportation project, and several of the route alternatives under consideration. Supplementary analysis is needed to fully address the impacts of joint development of these actions.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick A. Bauer, P.E., District Engineer, Federal Highway Administration, 300 East Eighth Street, Federal Office Building, Room 826, Austin, Texas 78701, Telephone (512) 536–5950. Mr. Jerry Hiebert, Executive Director, North Texas Tollway Authority (NTTA), 5900 West Plano Parkway, Suite 100, Plano, Texas 75093, Telephone (214) 522–6200.

SUPPLEMENTARY INFORMATION: The FHWA, jointly with the Texas Department of Transportation and the NTTA, and in cooperation with the City of Dallas, will prepare an EIS for the Trinity Parkway reliever route and associated improvements in the project corridor. Associated improvements include one or more proposed lakes, recreation amenities, and possible wetlands as identified in the City of Dallas Trinity River Corridor Master Implementation Plan Lake Design and Recreational Amenities Report, which are located within the Dallas Floodway.

Impacts caused by construction and operation of the Trinity Parkway and the Dallas Lake Plan will vary according to the alternatives selected. Generally, these projects may impact floodplains, water quality, air quality, socio-economic conditions, historic and other man-made structures.

The Draft EIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or NTTA at the address provided above.

Issued on: December 1, 2000.

Salvador Deocampo,

Urban Programs Engineer, Federal Highway Administration.

[FR Doc. 00–31462 Filed 12–11–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Board of Directors on Thursday, January 11, 2001. The meeting begins at 2:00 p.m. and ends at 6 p.m. The letter designations that follow each item mean the following: (I) is an information item; (A) is an action item; (D) is a discussion item. The General Session includes the following items: (1) Introductions and ITS America Antitrust Policy and Conflict of Interest Statements (I); (2) Review & and Approval of August 6, 2000 Board Meeting #35 Minutes and November 5, 2000 #36 Minutes (A); (3) Federal ITS Initiatives Report (I/D); (4) Coordinating Council Report (I/D/A); (5) State Chapters Council Report (I/D); (6) International Affairs Council & World Congresses Reports (I/D); (7) ITS America Trade Association Report (I); (8) Interim President's Report (External Issues) (I/D); (9) Other Business;

Business Session

(US DOT participants excused; Board Members, ITS America Members and Staff Only.) (10) Report to the Executive Committee (I/D); (11) Report of the Nominating Committee (I); (12) Report of the Finance Committee and Approval of 2001 Budget (I/D/A); (13) Interim President's Report (Internal Issues)(I/D); (14) Other Business and Schedule for Meetings This Year.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities.

The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).